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ANDREWS & BEARD



## Meadville Senior High School

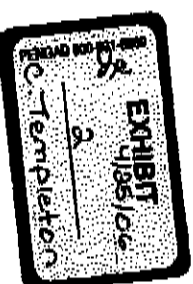
North Street Extension  
MEADVILLE, PENNSYLVANIA 16335-2199  
Telephone: (814) 338-1121

George H. Deshner,  
Principal  
Michael P. Farlio,  
Assistant Principal  
Carol A. Templeton,  
Assistant Principal  
I. David Bowser,  
Guidance Director  
Marlene M. Gounley,  
Athletic Director

TO: CLAUDETTE MITCHELL  
FROM: GEORGE H. DESHNER

RE: TARDINESS TO SCHOOL

DATE: 1/5/94



\*\*\*\*\*  
As you should recall, we had a discussion in early December about arriving to school on time. The normal workday for professional staff at Meadville Area Senior High School is 7:50 A.M. until 3:20 P.M. In order that the school day commence as it should, it is imperative that all staff be on time and at their assigned places at 7:50 A.M.

Since this discussion, you have continued to arrive late to school on a consistent basis. Some of the dates and times of your arrival are as follows:

December 8, 1993	7:56 A.M.
December 9, 1993	8:03 A.M.
December 10, 1993	8:04 A.M.
December 14, 1993	8:00 A.M.
December 21, 1993	8:08 A.M.
January 3, 1994	8:07 A.M.
January 5, 1994	8:14 A.M.

Attached please find the guidelines for A.M. hall supervision and the area to which you are assigned. Also attached is Board Policy No. 418 relating to tardiness. Please review these materials as they relate to this situation.

I anticipate that you will make every effort to correct the problem of tardiness and that it will not be necessary to take any other administrative action.

If you have any questions concerning this matter or wish to discuss it with me, please feel free to make an appointment to do so.

Thank you for your attention to this matter.

cc: Mr. James C. Lascola, Superintendent

# I. A.M. HALL SUPERVISION GUIDELINES

In order to establish continuity of our morning procedures please adhere to the following.

1. Be at your assigned classroom or hallway at 7:55 each day of the school year unless specifically excused.
2. Become alert to those students who travel in your vicinity as to their locker habits and other patterns of behavior they establish.
3. Observe individuals for general conduct. Correct where necessary.
4. Keep all traffic moving, confusion to a minimum and actively clear halls at 8:00 A.M.
5. If unusual circumstances arise that you cannot handle, report immediately to the principals.

## A.M. Duty Assignments:

1. J. Straub: Intersection of main entrance and guidance wing.
2. M. Maruska: Glass Corridor
3. C. Rappa: Intersection of "A" wing near A34 and back hallway.
4. J. Bossard & C. O'Shea: Intersection of "B" wing near cafeteria entrance and back hallway. Lounge area.
5. R. Inman & D. Martin: Intersection of "B" wing and the glass corridor.
6. R. McAtee: Intersection of "A" wing and rear corridor.
7. M. Gourley & J. Ende: Gym lobby area.
8. T. Zakovitch: End of "C" wing near room C18.
9. C. Reas: End of "C" wing near room C6 and stairwell.
10. C. Mitchell: Breezeway between A43 & A46.
11. J. Higgins: Roaming "B" wing

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MAR-29-94 TUE 9:26

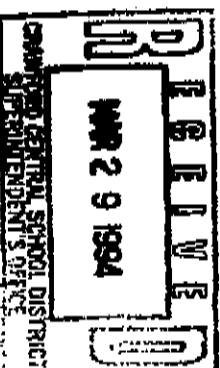
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FAX NO. 8143375160

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ANDREWS & BEARD

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-1-

- 1.- What do you like the most about the class?
- 2.- What do you like the least?
- 3.- What would you change?
- 4.- How class participation should be graded?
- 5.- Should class participation be part of your grade?
- 6.- Is class participation important?
- 7.- How discipline should be handled?
- 8.- Number the reasons for which a student with disruptive behavior get detention.
- 9.- Number the reasons for which a student with disruptive behavior be removed from class.
- 10.- Why should you learn a foreign language?
- 11.- Should fill passes be giving freely to any one during classes?
- 12.- Would you be willing to ask the in writing or personally to the administration so you can have freely use of hall passes?  
CIE the administration agrees.

Please give it to me in writing and  
you will be allowed to use hall passes freely)

- 13.- How would you handle Hall Passes to  
minimize interruptions during class?
- 14.- Should you be encouraged to use  
Useful Classroom Expressions in Sp?  
why yes?  
why no?
- 15.- what do you like the most about  
classroom rules?
- 16.- what do you like the least?
- 17.- what should be changed?
- 18.- should I give oral quizzes? why
- 19.- should I give written quizzes or  
tests? why yes why not
- 20.- what would be the best method  
to evaluate you on an individual  
basis?
- 21.- Do you like home work?
- 22.- What would be the best method  
to reinforce the grammar  
aspect or culture of the subject,  
as in Spanish class should you speak  
English or Spanish?
- 23.- In Spanish class should you speak

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MAR-29-94 TUE 9:27 MEADVILLE HS LIBRARY  
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- 24.- What is the purpose of getting  
a report card?
- 25.- How grades should be giving to  
each student in each class?
- 26.- Have you been encouraged to  
discussed personal matter on a  
confidential basis?
- 27.- Have I ever discussed with the  
class about a personal student  
behavior? What did I say?
- 28.- Do you like culture day?
- 29.- What do you like the least?
- 30.- What do you like the most?
- 31.- What would you change?
- 32.- Have I discussed with the  
class about Parent Conference  
What did I say?
- 33.- How should I hand out paper
- 34.- How often did I make PMS  
Jokes? What did I say?
- 35.- How often do I bring my  
personal life into the sub  
Did I say something irrele  
to the subject? What did I

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ANDREWS & BEARD

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MR-29-94 TUE 9:27

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P.05

36.- How often do I talk about  
my daughter?

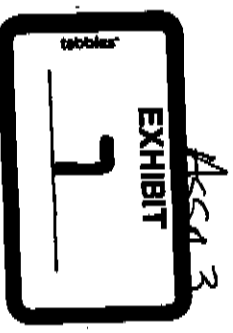
What did I say?

37.- How often have I used profanity  
within the class?  
What did I say?  
why?

Richard T. Gray  
R. D. #5 Box 226  
Meadville, PA 16335  
337-2575

March 17, 1994

George Deshner, Principal  
Meadville Senior High School  
North Street Extension  
Meadville, PA 16335



Dear Mr. Deshner,

Thank you for meeting with Mrs. Mitchell, my wife and myself concerning Mrs. Mitchell and her classroom procedures.

So that all concerns are addressed, I'll outline them below:

1. How can Mrs. Mitchell give a "D" for misconduct? Misconduct should not affect grades. Her response was to suggest she does it because she grades on class participation.

2. She told a classmate of Brian's to tell her if Brian, C. J. McBride, or Dave Mercatoris should bring a gun to school. She expressed concern that they would harm her and to let her know! Her defense was "I was just kidding". I consider this a grave violation.

3. She also discussed with a fellow student that she would like to get Brian out of her class.

4. Questionable dress on "inside out day". Students have told me Mrs. Mitchell was wearing a bra on the outside of her dress partially covered by a "cardigan" sweater.

5. Brian needed to use the mens room and was told it would require a nurses pass. That only girls could have "emergency" restroom needs. Even though Brian, as she agreed, is not an abuser of the situation.

Please call me if I can answer any questions. I'll be patiently waiting a response.

Sincerely,

*Richard T. Gray*  
Richard T. Gray

cc: James Lascola

**THOMAS, TRUAX, SPADAFORE,  
WALKER & KEENAN**

Attorneys at Law  
296 Chestnut Street  
Meadville, Pennsylvania 16335  
Office (814) 332-6000  
Fax (814) 332-6009

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**Fax Transmittal Cover Sheet**

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Date Feb 22 95

Number of Pages Including Cover Sheet \_\_\_\_\_

To: John P. Jones

From: Emil M. Spadafore Jr

Re: Claudette Mitchell

Fax Number: 332-6009

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Comments/Instructions: Enclosed is a letter from Parents to

Mr. Bestner. We will call Bestner, LaSala,

Richard Curzel, Pat Bendorf & Claudette Mitchell.





## CRAWFORD CENTRAL SCHOOL DISTRICT

Instructional Support Center  
RR 9, Box 462, Route 102  
Meadville, Pennsylvania 16335-9504  
Telephone: (814) 724-3960  
FAX: (814) 333-8731

James C. LaScola, Superintendent

### OFFICE OF THE SUPERINTENDENT

April 21, 1994

Claudette G. Mitchell  
11983 Eureka Road  
Edinboro, PA 16412

Dear Mrs. Mitchell:

This letter is written to address the continual problem that has been brought to our attention by Spanish students and their parents. You have indicated that only a few boys are causing the problems in eighth period. Complaints are more widespread and not limited to only a "few boys". Mr. Deshner has instructed you to not discuss or refer to previous problems with Brian Gray or other students in eighth period class, but you continue to present situations which cause problems due to past experiences. (Brian Gray's test paper with a statement, "Did you copy?").

I am insisting that you refrain from all references to previous problems in your classes, specifically eighth period class. Failure to follow this directive may result in appropriate legal action. I have recently received a communication from Meadville Senior High School indicating that you issued eight of eleven students in Spanish III poor work notices for this six weeks, while twenty-nine of forty-three Spanish I students received poor work notices. If these numbers are correct, I will not accept the fact that 69% of students in your classes are possibly failing for this six weeks. I would certainly hope that this is not some form of retribution against students because we are having the problems described previously.

I will be talking with each of the students in eighth period class and I will contact you for an appointment within the next few weeks.

Larry L. Williams  
Director of Curriculum & Instruction  
Nicholas J. Cheneveth  
Director of Special Services  
Thomas E. Beers  
Director of Support Services  
William E. Shively  
Business Manager/Board Secretary



Claudette G. Mitchell  
April 21, 1994  
Page 2

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This letter will be placed in your permanent file until such time that the Administration decides that the problems that exist today (04/21/94) are professionally and adequately dealt with in your classroom.

Thank you.

Sincerely,



James C. Lascola  
Superintendent of Schools

JCL/cak

pc: ✓George H. Deshner, Principal  
William E. Shelvey, Business Manager  
Personnel File

# Meadville Area Senior High School

North Street Extension  
MEADVILLE, PENNSYLVANIA 16335—2199  
Telephone: 336-1121



To: Claudette Mitchell, MASH Spanish Teacher

From: George H. Deshner, Principal

RE: Parent Conference on 4/22/94

Date: 4/27/94

\*\*\*\*\*

Thank you for attending the parent conference with Mr. Curtis McBride and his son, Christopher, on April 22, 1994.

I would like to review the concerns that Mr. McBride presented to us and ask that you make every effort to address these concerns and take appropriate action to correct them.

**(1) The timeliness of notifying parents that a problem exists with a student.**

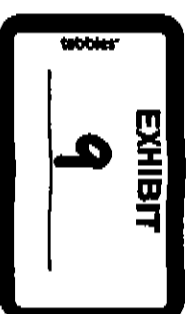
The date that the administration gives to submit progress reports is only a guideline. You may send a progress report at any time you see a student is falling off in their work. It is also advisable that parents be contacted by phone to apprise them of student progress or discipline situations.

**(2) Offering appropriate suggestions to parents for improvement.**

The progress report has many items that can be checked to offer suggestions for parents to help their students. You may also offer any written comments to parents to help the parent and student. It is important that you give professional advice concerning correcting the situation to the parents about their son/daughter's situation.

**(3) Discussing student situations in front of the class or to other students.**

As we have previously discussed, it is not appropriate to go to other students or to say things in front of the class about another student's situation. An example was to begin discussing the letter Heath Strasser wrote and then handing it to Mr. McBride to read. You did not bring the letter to the attention of the administration, guidance or Heath's parents at the time it was confiscated in October. It should not be brought up for other parents to read.



**(4) Make sure that all students have the required materials.**

Mr. McBride was concerned that Chris had not received handouts in class and then on two occasions when he asked for them was told there were no more available or was ignored. Chris indicated that on two different days, this had happened to him concerning the current class assignment. This could be avoided by making extra copies of worksheets and keeping them with you for the duration of the class periods the students are working on them.

**(5) Use of films in class.**

During the conference the question arose concerning the use of the films *El Norte* and *Naked Gun 2 1/2* in class. Chris indicated you had shown both to the class. You had indicated that you had not used this film but instead, *Naked Gun*. Chris reiterated that *El Norte* was shown to the class. It was established that in either situation the language used in the films is not appropriate. I would suggest that better judgment be used in selecting materials for use to teach Spanish. There are other films available in Spanish that do not use offensive language or sexual innuendos.

**(6) Use of the work folders for ten percent of the students final grade.**

At the conference you indicated that students were to keep all of their work from the year in a folder. This folder would be collected at the end of the year and would count for ten percent of their final grade. This came as a surprise to the student, parent and myself. We have had several discussions concerning the folders over the past several weeks and at no time was this ever stated. As per our conference of 4/27/94 at 9:45 a.m., I am suggesting that this not be used this current school year. If the folders are to be collected, they should be used as extra credit for the student and not a part of their final grade for this year. Students and parents should be notified of this requirement in writing at the start of the school year. You agreed to doing this. Please inform those classes where this was to be used of how it will be handled for this year.

cc: Mr. James C LaScola, Superintendent  
Personnel File

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \*

CLAUDETTE DELEON, \*

Plaintiff, \*

vs. \* Case No:

CRAWFORD CENTRAL SCHOOL \* 05-126E

DISTRICT, CRAWFORD \*

CENTRAL SCHOOL BOARD, \*

Defendants, \*

MICHAEL E. DOLECKI, \*

SUPERINTENDENT, \*

Defendant, \*

CHARLES E. HELLER, III, \*

ASSISTANT SUPERINTENDENT, \*

Defendant \*

\* \* \* \* \*

DEPOSITION OF

CLAUDETTE DELEON

March 6, 2006

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by the certifying agency.



Page 2	Page 4
<p>1 DEPOSITION 2 OF 3 CLAUDETTE DELEON, taken on behalf of 4 the Defendants herein, pursuant to the 5 Rules of Civil Procedure, taken before 6 me, the undersigned, Wendy Blair, a 7 Court Reporter and Commissioner of 8 Deeds in and for the Commonwealth of 9 Pennsylvania, at the administrative 10 offices of Crawford Central School 11 District, 11280 Mercer Pike, Meadville, 12 Pennsylvania, on Monday, March 6, 2006, 13 beginning at 10:07 a.m. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 INDEX 2 3 WITNESS: CLAUDETTE DELEON 4 EXAMINATION 5 By Attorney Heath 7 - 144 6 CERTIFICATE 145 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 CALEB L. NICHOLS, ESQUIRE 4 P.O. Box 1585 5 Erie, PA 16507 6 COUNSEL FOR PLAINTIFF 7 8 ROBERTA BINDER HEATH, ESQUIRE 9 Andrews and Beard 10 3366 Lynnwood Drive 11 Altoona, PA 16603-1311 12 COUNSEL FOR DEFENDANTS 13 14 ALSO PRESENT: 15 MICHAEL E. DOLECKI 16 17 18 19 20 21 22 23 24 25</p>	<p>1 EXHIBIT PAGE 2 3 PAGE 4 NUMBER DESCRIPTION IDENTIFIED 5 One Plaintiff's First 6 Amended Complaint 31 7 Two Comparative Data on 8 Minority Hittings 100 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p>1 OBJECTION PAGE</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4 Nichols 35, 49</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 CLAUDETTE DELEON, HAVING FIRST BEEN</p> <p>4 DULY SWORN, TESTIFIED AS FOLLOWS:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY ATTORNEY HEATH:</p> <p>8 Q Good morning, Ms. deLeon, my</p> <p>9 name is Roberta Binder Heath, and I'm</p> <p>10 here today to take your deposition. As</p> <p>11 you know, I represent the Crawford</p> <p>12 Central School District, as well as Mr.</p> <p>13 Michael Dolecki, the Superintendent,</p> <p>14 and Charles Heller, the Assistant</p> <p>15 Superintendent, who have been sued by</p> <p>16 you in Federal Court in their</p> <p>17 individual and professional capacities.</p> <p>18 In this regard, we're here today to</p> <p>19 take your deposition, and primarily</p> <p>20 I'll be asking you specific facts</p> <p>21 concerning your background, and also</p> <p>22 facts that underlie the Complaint that</p> <p>23 is the subject of this lawsuit.</p> <p>24 You have Counsel with you today.</p> <p>25 You may speak to him at any time or</p>	<p>1 take a break at any time as necessary.</p> <p>2 If you do not understand the questions</p> <p>3 that I ask you, please let me know and</p> <p>4 I'll be happy to repeat or rephrase the</p> <p>5 question for you. If you do answer any</p> <p>6 question, I will assume that you</p> <p>7 understood that; is that clear?</p> <p>8 A That's clear.</p> <p>9 Q And you are under oath today, so</p> <p>10 it's very important that you understand</p> <p>11 what I'm asking you. Also, please wait</p> <p>12 until I've finished asking the question</p> <p>13 prior to your answering the questions.</p> <p>14 That is important for a couple of</p> <p>15 reasons, the first of which we have a</p> <p>16 Court Reporter here taking down</p> <p>17 everything that anyone says in the this</p> <p>18 room so we will have a record of this</p> <p>19 proceeding.</p> <p>20 Secondly, if you try to</p> <p>21 anticipate what I'm going to be asking</p> <p>22 prior to my finishing a question, you</p> <p>23 may run the risk of having overlapping</p> <p>24 testimony, which again, will not make a</p> <p>25 very clear record.</p> <p>1 Are you taking any medication</p> <p>2 today that would impair your ability to</p> <p>3 answer my questions?</p> <p>4 A No, ma'am. I'm just taking my</p> <p>5 regular antidepressant, which I take on</p> <p>6 a daily basis.</p> <p>7 Q And what is that?</p> <p>8 A Effexor.</p> <p>9 Q Have you been taking that since</p> <p>10 2003?</p> <p>11 A Well, before that. Since</p> <p>12 probably 1997.</p> <p>13 Q We'll get to this in a little</p> <p>14 bit more detail later, but weren't you</p> <p>15 also taking other things, such as</p> <p>16 Zoloft and Paxil during those time</p> <p>17 frames?</p> <p>18 A Other medications, but since</p> <p>19 they did not work, then I started</p> <p>20 taking Effexor. And probably the best</p> <p>21 time I could say that was from 2000,</p> <p>22 that it worked for me better.</p> <p>23 Q So 2000 on, approximately,</p> <p>24 you've been taking Effexor on a daily</p> <p>25 basis?</p>

Page 10	Page 12
<p>1 A Correct.</p> <p>2 Q And how many milligrams a day do you take?</p> <p>4 A Twice a day.</p> <p>5 Q Do you know how many milligrams?</p> <p>6 A I'm trying to think, probably 30 milligrams --- no, 75 each. It's 150 milligrams a day.</p> <p>9 Q Does that amount remain steady?</p> <p>10 A Correct.</p> <p>11 Q And does it affect your ability to remember anything or ---?</p> <p>13 A It hasn't so far. That's why I continue taking it.</p> <p>15 Q For the record, the way that you appear as a Plaintiff in this case is</p> <p>17 Claudette deLeon. And I know from reviewing your records that because of 19 various marriages, you've had other 20 names that you've been known by. Would 21 you please state for the record all of 22 the other names by which you have been 23 known throughout your lifetime?</p> <p>24 A Before I answer that, can I make 25 something clear here? I'm looking at</p>	<p>1 Q Yes.</p> <p>2 A That was in 1976 in Mexico City.</p> <p>3 Q Okay.</p> <p>4 A I met my husband in my living 5 room, Mexico City, that was definitely.</p> <p>6 Q So then you were Claudette 7 Mahoney?</p> <p>8 A And then in 1992 when we got a 9 divorce, it was not until 1993, a year 10 and a half later that I became 11 Mitchell.</p> <p>12 Q And how long do you ---?</p> <p>13 A Three and a half years.</p> <p>14 Q You were married to Mr. Mitchell 15 three and a half years?</p> <p>16 A Uh-huh (yes). And after that in 17 1996, I became Mrs. McCracken. And I 18 adopted deLeon McCracken. I didn't 19 want to be MMM anymore, so I became 20 Claudette deLeon McCracken.</p> <p>21 Q And how long were you married to 22 Mr. McCracken?</p> <p>23 A Only less than a year.</p> <p>24 Q Have you been married 25 subsequently?</p>
Page 11	Page 13
<p>1 you, but I am not glaring at you. I 2 want to clarify that, because I have 3 been accused so many times of glare.</p> <p>4 Q If you can answer my questions, 5 I certainly ---.</p> <p>6 A If you do mind that I'm looking 7 at you too much, please let me know, 8 okay? Because I don't want you to 9 think I'm trying to intimidate you.</p> <p>10 Q That's fine.</p> <p>11 A Okay. I would like you to 12 please repeat the question.</p> <p>13 Q What I'm wanting to know is what 14 various names have you been known by 15 throughout your life. Is deLeon your 16 maiden name, for example?</p> <p>17 A Yes. Before I got married.</p> <p>18 Claudette Giabala (phonetic) deLeon.</p> <p>19 That's my real name. When I got 20 married the first time, then I became 21 Mahoney for many years, for 16 years I 22 was married to Mr. Mahoney.</p> <p>23 Q What year was that?</p> <p>24 A That was in 1980 --- the year 25 that I got married?</p>	<p>1 A Well, I had a marriage annulled 2 after that, but I married to the last 3 name, the only reason because the 4 person I got married, he was married in 5 Mexico City. And when I find out, the 6 judge annulled the marriage.</p> <p>7 Q What was his name?</p> <p>8 A It was Jose Luis --- I can't 9 remember his last name, Hernandez, 10 H-E-R-N-A-N-D-E-Z.</p> <p>11 Q And you never took his name?</p> <p>12 A I never did, no. I just 13 remained Claudette deLeon since then.</p> <p>14 Q When were you married to him 15 before you had it annulled? What time 16 frame is that?</p> <p>17 A After I got a divorce with Mr. 18 --- in 2001, no, 2002 or 2000. Gosh, I 19 don't remember.</p> <p>20 Q And that was annulled when?</p> <p>21 A In 2002.</p> <p>22 Q Since that time, have you been 23 married?</p> <p>24 A I have been --- no, by myself.</p> <p>25 I have a divorce --- well, annulled,</p>



Page 14	Page 16
<p>1 whatever you want to call single.</p> <p>2 QHave you ever been known by any</p> <p>3 other name other than what we've talked</p> <p>4 about?</p> <p>5 ANo, just Claudette deLeon,</p> <p>6 Giabata deLeon.</p> <p>7 QWhere do you currently reside?</p> <p>8 AIn Edinboro, 11983 Eureka Road,</p> <p>9 Edinboro. I have been living there for</p> <p>10 the last 2 4 years.</p> <p>11 QAnd is that a single home?</p> <p>12 AIt's a single home, correct.</p> <p>13 QDo you own that home?</p> <p>14 APNC does.</p> <p>15 QSo you pay a mortgage?</p> <p>16 AYes, \$1,000.50 --- no, \$1,050.</p> <p>17 QAnd you say you've been there</p> <p>18 for 20 years?</p> <p>19 ATwenty-four (24 ).</p> <p>20 QTwenty-four (24) years.</p> <p>21 AThat's when my son was born,</p> <p>22 1982.</p> <p>23 QDo you live there alone</p> <p>24 currently?</p> <p>25 AYes, I do.</p>	<p>1 level?</p> <p>2 AI went to a conservatory of</p> <p>3 music. I was working as a music</p> <p>4 teacher. I played the piano and I</p> <p>5 played the organ. I was working for</p> <p>6 Jemaho (phonetic), Mexico.</p> <p>7 QWhere, sorry?</p> <p>8 AJemaho, Mexico. I worked, too,</p> <p>9 and also for the Palace of Fine Arts,</p> <p>10 like that music.</p> <p>11 QI'm sorry. You're going to have</p> <p>12 to --- what fine arts?</p> <p>13 APalace of Fine Arts. The music</p> <p>14 section belonged to the Palace of Fine</p> <p>15 Arts. And what they did, they sent us</p> <p>16 to different high schools to teach</p> <p>17 music. And then I worked for Jemaho,</p> <p>18 Mexico, for three years teaching organ</p> <p>19 for the Japanese.</p> <p>20 QWhen you came to the United</p> <p>21 States, where did you move?</p> <p>22 AI moved to Erie first.</p> <p>23 QAnd what did you do at that</p> <p>24 time?</p> <p>25 AI began to study English. I</p>
Page 15	Page 17
<p>1 QAnd your daughter does not live</p> <p>2 with you any longer?</p> <p>3 ANo, she moved to Pittsburgh</p> <p>4 three weeks ago.</p> <p>5 QWhat's her age?</p> <p>6 AHer age, 27.</p> <p>7 QWhat's the date of your birth?</p> <p>8 AJuly 3rd, 1953.</p> <p>9 QAnd where were you born?</p> <p>10 AMexico City.</p> <p>11 QAnd when did you move to the</p> <p>12 United States?</p> <p>13 AIn 1977, at the beginning of</p> <p>14 1977. I got married in 1976.</p> <p>15 QYou said you met your husband in</p> <p>16 Mexico?</p> <p>17 AIn my living room, yes, talking</p> <p>18 about definitely.</p> <p>19 QBut he was an American citizen;</p> <p>20 is that correct?</p> <p>21 AYes, he was visiting Mexico. He</p> <p>22 stayed one year in Mexico City.</p> <p>23 QAnd in 1977 when you came to the</p> <p>24 United States, did you have any ---</p> <p>25 what was your highest educational</p>	<p>1 attended Gannon University to learn how</p> <p>2 to speak English.</p> <p>3 QCan you say the university</p> <p>4 again?</p> <p>5 AGannon University. It used to</p> <p>6 be a college.</p> <p>7 QOkay. And how long did you</p> <p>8 attend there?</p> <p>9 AFor probably about a year.</p> <p>10 QAnd what was your first job in</p> <p>11 the United States?</p> <p>12 AI was a VISA, VISA volunteer,</p> <p>13 Volunteer In Service to America. I had</p> <p>14 to ---.</p> <p>15 QWhen was that?</p> <p>16 AThat was in --- I think it was</p> <p>17 '78.</p> <p>18 QHow long did you do that?</p> <p>19 AFor a year. We got a stipend of</p> <p>20 only \$200 a month.</p> <p>21 QAnd what did you do after that?</p> <p>22 AOh, after that VISA volunteer, I</p> <p>23 continued going to school. I</p> <p>24 transferred to Beltrond College. I was</p> <p>25 accepted in Beltrond College. I took</p>

Page 18	Page 20
<p>1 their initial test. I thought of</p> <p>2 becoming a Spanish teacher because I</p> <p>3 felt that then there wouldn't be people</p> <p>4 who would be fighting for my job, and I</p> <p>5 didn't want to become a music teacher.</p> <p>6 I had all my music. I challenged all</p> <p>7 these courses in just one semester,</p> <p>8 Piano I, II, III and IV.</p> <p>9 <b>Q</b> So you went to school to get</p> <p>10 your teaching certification?</p> <p>11 A Well, after Behrend College, I</p> <p>12 transferred to Edinboro University</p> <p>13 because I heard it was state college</p> <p>14 and it was cheaper. I was borrowing</p> <p>15 money from the bank, and then I moved</p> <p>16 to Edinboro in 1982, so I could attend</p> <p>17 Edinboro full time because I was going</p> <p>18 only part time since I had my daughter.</p> <p>19 <b>Q</b> When was your daughter born?</p> <p>20 A She was born in 1979, January</p> <p>21 1979, in Saint Vincent's in Erie, Pa.</p> <p>22 <b>Q</b> I'm sorry. What Eric, Pa?</p> <p>23 A Oh, Saint Vincent's Hospital.</p> <p>24 <b>Q</b> Okay. So you went to Edinboro,</p> <p>25 and then were you working at all during</p>	<p>1 approximately what? 1988, 1989?</p> <p>2 A 1988. The last semester of</p> <p>3 1988, the first semester I taught in</p> <p>4 Saegertown High School, and then I</p> <p>5 started to work for Crawford Central in</p> <p>6 1989, only as a permanent substitute,</p> <p>7 because the teacher had moved to</p> <p>8 Massachusetts, I believe. And I</p> <p>9 started teaching in Carbondale High</p> <p>10 School, where the kids were beautiful,</p> <p>11 wonderful, I should have stayed there.</p> <p>12 But it was a long drive from Edinboro.</p> <p>13 <b>Q</b> And then you came to Meadville;</p> <p>14 is that correct?</p> <p>15 A In 1991, when --- as soon as</p> <p>16 Mrs. Condey (phonetic) retired because</p> <p>17 --- only because I wanted to be closer</p> <p>18 to Edinboro. It was difficult to drive</p> <p>19 that far.</p> <p>20 <b>Q</b> Now, during the time that you</p> <p>21 worked for the Crawford Central School</p> <p>22 District, did you ever hold any other</p> <p>23 employment as well, supplemental</p> <p>24 employment?</p> <p>25 A No.</p>
Page 19	Page 21
<p>1 this time?</p> <p>2 A No, I wasn't.</p> <p>3 <b>Q</b> And when did you complete your</p> <p>4 courses at Edinboro?</p> <p>5 A In Edinboro University, I</p> <p>6 graduated from Edinboro University in</p> <p>7 1986.</p> <p>8 <b>Q</b> And what was your first job</p> <p>9 there?</p> <p>10 A Intermediate unit for a year and</p> <p>11 a half. I taught English as a second</p> <p>12 language.</p> <p>13 <b>Q</b> And thereafter, did you then</p> <p>14 become involved with the Crawford ---?</p> <p>15 A No, not yet. I had several</p> <p>16 opportunities to substitute at</p> <p>17 different schools, so I worked for one</p> <p>18 semester in Mercyhurst Prep, and I</p> <p>19 worked for another semester in</p> <p>20 Penncrest Saegertown High School. And</p> <p>21 for three weeks in East High in Erie.</p> <p>22 They have killed their Spanish teacher,</p> <p>23 the students, so I substituted for</p> <p>24 three weeks.</p> <p>25 <b>Q</b> And that would have been in</p>	<p>1 <b>Q</b> Either in the summer or ---?</p> <p>2 A No, I was not a stripper. I was</p> <p>3 never a stripper.</p> <p>4 <b>Q</b> That wasn't my question. I</p> <p>5 asked if you had any other jobs?</p> <p>6 A No. I attended full time to my</p> <p>7 church. I'm one of Jehovah's</p> <p>8 Witnesses. My full time it was preach</p> <p>9 to people.</p> <p>10 <b>Q</b> Okay. Since your termination in</p> <p>11 April of 2003, have you held any other</p> <p>12 job?</p> <p>13 A Not for a while I couldn't find</p> <p>14 a job, so I had to survive with my</p> <p>15 unemployment. And then when my son</p> <p>16 died, the only money I got was \$12,000.</p> <p>17 When all the money was gone, then I was</p> <p>18 able, thanks God, to find job in</p> <p>19 telemarketing company right now.</p> <p>20 <b>Q</b> Before we get there, let me just</p> <p>21 stop you. You indicated that when you</p> <p>22 first were terminated, you couldn't</p> <p>23 find a job?</p> <p>24 A I couldn't for a year and a half</p> <p>25 nowhere.</p>

1 Q What did you do in order to try  
2 to find a job?

3 A Place applications everywhere.

4 Q Do you have copies of those

5 applications?

6 A Yes, including the civil service

7 test that I took. I have copies of

8 that, if you would like, and all the

9 denials ---.

10 ATTORNEY HEATH:

11 I'd like to see the record

12 to request any applications that

13 she submitted since 2003 to the

14 present.

15 A Yeah. I apply in at least ---.

16 BY ATTORNEY HEATH:

17 Q Or any other documentation that

18 you have that would be some sort of a

19 record of what jobs you applied for,

20 what interviews you went on and whether

21 or not you had any acceptances.

22 A Mainly civil service tests

23 especially, because they were looking

24 for a special ed teacher at Albion

25 prison, and also in Cambridge Springs

1 Q Now, the information that I have

2 also indicates that after your

3 termination you went back to school; is

4 that correct?

5 A Yes, I did. I went back to

6 Mercyhurst since I had already started.

7 Since after my nervous breakdown when I

8 start feeling better in 1999, I sign up

9 for a Master program. Although at the

10 end of 2001, they say I didn't show any

11 professional improvement and they asked

12 me to do all this research, I was

13 already attending Mercyhurst College.

14 I had 27 ---.

15 Q You're saying they, you're

16 talking about ---?

17 A The administrators. They said I

18 did not show professional improvement.

19 I had already 27 credits in a special

20 education course, because they gave me

21 an assistantship in Mercyhurst. I was

22 not paying for my education. They gave

23 me an assistantship. But the last

24 courses in order to graduate, then I

25 had to pay, and I still owe that money.

1 OFF RECORD DISCUSSION

2 BY ATTORNEY HEATH:

3 Q So you do have your Master's

4 degree now; is that correct?

5 A In 2004, yeah. I have to stop

6 school after my son died, I couldn't

7 finish it, for about three months. And

8 they gave me the opportunity to go

9 ahead and turn in my thesis --- they

10 gave me an extension of three months.

11 Q And is your Master's degree in

12 special education?

13 A Special education and bilingual

14 education, special education and

15 bilingual.

16 Q So you could teach ---?

17 A Bicultural.

18 Q You could teach special

19 education or you could teach English as

20 a second language, or you could teach

21 Spanish; is that correct?

22 A I would rather teach Spanish.

23 Q You would be able to teach all

24 of those though?

25 A I don't know. I didn't apply

<p>1 for ---.</p> <p>2 Q You did not get a certification for special education?</p> <p>4 A I didn't want to go back to ESL and special ed. I didn't know if I would qualify. I would have to be certified, but my Master's is in special education. And ESL, they used to pay me very little.</p> <p>10 Q I'm sorry, who?</p> <p>11 A Only a few dollars an hour.</p> <p>12 Q You've got to like slow down.</p> <p>13 I'm sorry.</p> <p>14 A ESL.</p> <p>15 Q ESL? Okay. I apologize. And if you could slow down a little bit, that would be helpful for the Court Reporter.</p> <p>19 A Sure. I will.</p> <p>20 Q So you do have your Master's in special education and bilingual?</p> <p>22 A And bilingual. Uh-huh (yes).</p> <p>23 Q But you just have not gotten the certification; is that correct?</p> <p>25 A I don't know if I need to get a</p>	<p>Page 26</p> <p>1 Q And did you receive any job offers from these places you mentioned?</p> <p>3 A No, I did not.</p> <p>4 Q Anywhere else that you interviewed?</p> <p>6 A I went to Career Unemployment Office. I was interviewed by the intake application people. They helped me to go ahead and search through the Internet. What is the name --- it's on Holland Street, the unemployment office. I went there several times to take the test, and the first time to take the interview, and to place an application for all the civil service tests.</p> <p>17 Q And did you ever have any interviews for any civil service positions?</p> <p>20 A Yes, in Albion and Cambridge Spring.</p> <p>22 Q Those were the two?</p> <p>23 A Uh-huh (yes).</p> <p>24 Q Any others?</p> <p>25 A No, that's all. That's the only</p>	<p>Page 28</p>
<p>1 certification. All I did, the program was just for a special education, bilingual, bilingual. That was the title of the Master's.</p> <p>5 Q With regard to any of the positions that you applied to from the time of your termination until the present that were teaching positions, did you have any interviews?</p> <p>10 A Yes, I did.</p> <p>11 Q Where did you interview?</p> <p>12 A At Albion prison. Albion,</p> <p>13 A L-B-I-O-N. Albion. And the same with Cambridge Spring at the women's jail.</p> <p>16 Q Okay.</p> <p>17 A And I had another interview in a private school. I believe the name was Saint Andrew. I can't remember the name, but it's 11th Street. It's a private school. I have to find out the letter. And Cannon University, they never called me for an interview. And I went for an interview in Erie School District.</p>	<p>Page 27</p> <p>1 places they called me. And Erie School District. Of course, I didn't get the job.</p> <p>4 Q And you said of course. Why of course?</p> <p>6 A Of course?</p> <p>7 Q You said, of course, I didn't get the job.</p> <p>9 A Oh, that was for Strong Vincent.</p> <p>10 Q Pardon me?</p> <p>11 A That was for Strong Vincent, an inner-city school.</p> <p>13 Q Right.</p> <p>14 A And it was something for Spanish I, and they said that they needed somebody more specialized because the kids were extremely rough. And the first day I went there to interview with the teacher, the students were horrible, very rough inner-city kids that they swear and talk with dirty words all the time.</p> <p>23 The Spanish teacher said that she was totally sick of all, that's why she was retiring. That she was burned</p>	<p>Page 29</p>

1 out. She couldn't straighten the kids  
2 up. No control whatsoever, and she  
3 thought that maybe I could do a better  
4 job. But the principal said that he  
5 wanted somebody more specialized, maybe  
6 like a big gorilla or something to be  
7 able to control those kids. There were  
8 about 30 of them, horrible.

9 Q And so you wouldn't have taken  
10 the job if you would have gotten  
11 offered the job?

12 A I would have, yes.

13 Q Pardon me?

14 A I would have. If they would

15 have given me the job, I wouldn't mind

16 because I love discipline, and I

17 discipline. That's my problem. I do

18 discipline, and I keep control in my

19 classes.

20 Q Did you have any other

21 interviews other than the private

22 school that you can think of with a

23 school district?

24 A No, because they didn't call me

25 from Gannon University. I wish they

1 would have.

2 Q Did you follow up at all and

3 keep abreast of the school districts

4 that were advertising for positions?

5 A Yes, I send also a letter of

6 interest to Pittsburgh around Butler.

7 They were asking for Spanish teacher.

8 And I sent a letter of interest and my

9 resume, and I never heard from them.

10 That was another one.

11 Q I'm going to have you start

12 looking at the documents. This copy is

13 going to be for the Court Reporter, but

14 you may after she marks them, if you

15 want to use them as references, that's

16 fine.

17 ATTORNEY NICHOLS:

18 Okay.

19 ATTORNEY HEATH:

20 I'd like to mark this as

21 deLeon One, and it is a copy of

22 the First Amended Complaint.

23 (deLeon Exhibit Number

24 One marked for

25 identification.)

1 A He asked me to resign. As soon

2 as I turned in a medical excuse, he

3 tells Mr. Heller to ask me to resign

4 because of the medical excuse I have

5 submitted. And even if I hadn't

6 resigned, they had already taken my

7 Spanish I, my Spanish II students two

8 years before for a test without even

9 telling me. They were already

10 planning ---

11 Q And what's the point? What's

12 wrong with that?

13 A Only my students, nobody else's

14 students.

15 Q Is that in violation of the

16 collective bargaining agreement?

17 A Not to my knowledge.

18 Q Please just wait until I finish

19 my question. Wait until I finish my

20 question before you answer my question.

21 The fact that they gave a proficiency

22 test to your classroom, what does that

23 mean to you?

24 A Different treatment.

25 Q Is that in violation of the



<p>Page 34</p> <p>1 collective bargaining agreement?  2 A They were planning ahead to fire  3 me.  4 Q Is that in violation of the  5 collective bargaining agreement?  6 A In retaliation.  7 Q You're not answering my  8 question. Is that in violation of the  9 collective bargaining agreement? Is  10 there something that says ---?  11 A It doesn't say that they were  12 allowed to.  13 Q Is there anything in the  14 collective bargaining agreement that  15 indicates that the administration is  16 not permitted to test a class in their  17 proficiency?  18 A Treatment.  19 ATTORNEY NICHOLS:  20 Counsel, I think she  21 answered your question.  22 ATTORNEY HEATH:  23 She didn't answer my  24 question.  25 ATTORNEY NICHOLS:</p>	<p>Page 36</p> <p>1 answering you on the basis of  2 what we allege is a violation of  3 civil rights and the theories.  4 That's what she's saying. And  5 you continue to badger her.  6 ATTORNEY HEATH:  7 I understand your  8 objection. You can make it for  9 the record, but my question  10 stands.  11 BY ATTORNEY HEATH:  12 Q Is there anything about that  13 testing that you believe is in  14 violation of the collective bargaining  15 agreement?  16 A My answer stands. Different  17 treatment. They did not take any other  18 teacher's students, but mine.  19 Q I caution you to please for the  20 record to watch your tongue.  21 A That's my answer.  22 Q I'm simply asking you to answer  23 my questions.  24 A I already did so, ma'am.  25 Q Now, relative to then getting</p>
<p>Page 35</p> <p>1 Well, like she said ---  2 she said in violation of civil  3 rights laws. That's what she's  4 saying.  5 ATTORNEY HEATH:  6 That wasn't my question.  7 ATTORNEY NICHOLS:  8 Well, I mean --- please,  9 Miss, you asked her ---. What  10 you're asking here is a legal  11 conclusion. You've prefaced  12 your remarks that you would not  13 ask her to draw a legal  14 conclusion, which you should  15 not. You should inquire only,  16 and you should know, only ask  17 the factual matters.  18 Now, you're asking her,  19 did anything violate the  20 collective bargaining agreement,  21 which obviously means she has to  22 reach a conclusion, make a legal  23 conclusion, as to whether it  24 violated the collective  25 bargaining agreement. She's</p>	<p>Page 37</p> <p>1 back to what you were saying about the  2 basis for the charges against Mr.  3 Dolecki and Mr. Heller in their  4 personal capacity, you're referring to  5 a medical excuse and something about a  6 request to resign. Are you referring  7 to what occurred in the spring of 2002?  8 A Correct.  9 Q Isn't that true that during a  10 meeting, essentially you had virtually  11 a mental meltdown, and you said you  12 could not go on any further, you  13 couldn't teach anymore in the presence  14 of union representatives?  15 A I never said that. I started  16 crying, and I said you already started  17 harassing me again. You already  18 started retaliating me again. I said,  19 this cannot go on. And I went ahead  20 and brought another complaint to Human  21 Relations, because they started all  22 over again. And I ---  23 Q Is that when you walked out of  24 the meeting?  25 A I didn't walk out on that</p>

Page 38	Page 40
<p>1 meeting.</p> <p>2 Q And it took Mrs. Deardorff 45</p> <p>3 minutes then to calm you down, to bring</p> <p>4 you back in?</p> <p>5 A That was not that meeting. That</p> <p>6 was maybe another meeting. There were</p> <p>7 several meetings that I had to cry and</p> <p>8 cry and cry. I couldn't stand the</p> <p>9 harassment. Eventually, they pushed me</p> <p>10 to the end.</p> <p>11 Q So the basis for the charges</p> <p>12 against Mr. Dolecki and Mr. Heller, as</p> <p>13 you understand them, relates back to</p> <p>14 this request for resignation?</p> <p>15 A No, I didn't cry in that</p> <p>16 particular meeting. On the contrary,</p> <p>17 if you read the documentation, I say I</p> <p>18 will comply with your request. They</p> <p>19 asked me to resign, and they send me to</p> <p>20 have a psychiatric evaluation. And</p> <p>21 they say if you don't do it, you will</p> <p>22 be accused of insubordination.</p> <p>23 So that moment on it didn't</p> <p>24 matter whether I took that evaluation</p> <p>25 or not, because that day they claimed</p>	<p>1 of the claims against Mr. Dolecki and</p> <p>2 Mr. Heller that form the basis for</p> <p>3 suing them in their personal capacity</p> <p>4 as opposed to their professional</p> <p>5 capacity? Does it all revolve around</p> <p>6 that resignation request and the</p> <p>7 independent medical examination of</p> <p>8 2002?</p> <p>9 A And all the suspension and all</p> <p>10 the harassment and all the unfair</p> <p>11 accusations, immorality, because I gave</p> <p>12 information to Human Relations and my</p> <p>13 lawyer --- and immorality is gay ---</p> <p>14 Q Well ---</p> <p>15 A --- and the whole entire school</p> <p>16 knows about it. They say, hey, look</p> <p>17 out for the principal because he's</p> <p>18 going to get you. That's immorality</p> <p>19 and God condemns that. That's</p> <p>20 immorality and they allow that to</p> <p>21 happen.</p> <p>22 Q If you could calm down and slow</p> <p>23 down ---</p> <p>24 A I'm sorry.</p> <p>25 Q --- so the Court Reporter can</p>
Page 39	Page 41
<p>1 they were already giving me an</p> <p>2 unsatisfactory for that year. Although</p> <p>3 I took the evaluation, the psychiatric</p> <p>4 evaluation, they had already decided</p> <p>5 that they were giving me the final ---</p> <p>6 the unsatisfactory. From that day on,</p> <p>7 and not because I cry, because of the</p> <p>8 medical excuse I submitted. That's</p> <p>9 why.</p> <p>10 So since I did not resign, so</p> <p>11 medically, they were going to fire me</p> <p>12 if I did both, and they were going to</p> <p>13 do everything they could, and you could</p> <p>14 see it, all their suspicions, all the</p> <p>15 reprimands for things that I didn't</p> <p>16 even do. Other teachers did allow the</p> <p>17 students to leave early. They blame it</p> <p>18 on me. Others submitted drug and</p> <p>19 alcoholic referral. They blame it on</p> <p>20 me, everything. I control. I</p> <p>21 discipline. That was my mistake. Darn</p> <p>22 if I did, darn if I didn't.</p> <p>23 Q We're going to get to that, but</p> <p>24 what I'm trying to understand from you</p> <p>25 is what exactly is your understanding</p>	<p>1 take down what you're saying, it will</p> <p>2 make a much cleaner record.</p> <p>3 A I want to take a little break</p> <p>4 because I don't want to be rude to you</p> <p>5 like you said I was raising my voice.</p> <p>6 I have to apologize 100 percent because</p> <p>7 that's not a gracious thing to do. I</p> <p>8 just get very emotional.</p> <p>9 ATTORNEY HEATH:</p> <p>10 Do you want to take a</p> <p>11 break and calm down? That would</p> <p>12 be great.</p> <p>13 ATTORNEY NICHOLS:</p> <p>14 Do you want to take a</p> <p>15 break?</p> <p>16 A I'm going to take my medication,</p> <p>17 but it's not going to impair me to</p> <p>18 forget things, just to calm down my</p> <p>19 nerves.</p> <p>20 ATTORNEY NICHOLS:</p> <p>21 Can we go off the record?</p> <p>22 OFF RECORD DISCUSSION</p> <p>23 BY ATTORNEY HEATH:</p> <p>24 Q When we stopped, what I was</p> <p>25 trying to ask you is your understanding</p>

1 of the basis of the allegations against  
2 Mr. Dolecki and Mr. Heller personally.  
3 ACorrect.

4 QNow, is there a distinction in  
5 your mind between these allegations  
6 between Mr. Dolecki and Mr. Heller, or  
7 are they one in the same?

8 AThey are the same.

9 QAnd to paraphrase, is it

10 basically your testimony that all these  
11 allegations stem from the spring of  
12 2002, when you were asked to get an  
13 independent medical examination from a  
14 psychiatrist, and then leading up to  
15 your termination?

16 ACorrect.

17 QIs that correct?

18 ACorrect.

19 QSo we're starting at 2002 and  
20 going forward to 2003; is that  
21 accurate?

22 ACorrect.

23 QYou were in court when Mr.

24 Nichols and I had to appear before

25 Judge McLaughlin concerning the initial

1 motion to dismiss and then a subsequent  
2 motion to dismiss that I filed?

3 AUh-huh (yes).

4 QIf you will recall, part of what  
5 my position was or the defense position  
6 was concerning your PHRC complaint that  
7 you had not filed an amended complaint  
8 to incorporate your termination; do you  
9 recall that issue?

10 ACorrect, correct.

11 QCan you please explain to me for

12 the record what you did after you were  
13 terminated relative to approaching the  
14 PHRC about your termination to try to  
15 amend your complaint?

16 ATTORNEY HEATH:

17 Before you do, let me

18 just say for the record that

19 it's come to my attention that

20 today I received a box of

21 documents from the Pennsylvania

22 Human Relations Commission that

23 was produced pursuant to a

24 subpoena that I had sent. I

25 have --- obviously because I'm

1 out of town, I've not had an  
2 opportunity to review those  
3 documents, and so at this time,  
4 depending upon how we do today,  
5 I also want to reserve the right  
6 to recall the Plaintiff if I  
7 need to after reviewing those  
8 documents.  
9 And also I have not  
10 received all of her medical  
11 records that I have requested by  
12 virtue of the HIPAA releases.  
13 And if necessary, I would like  
14 to reserve the right to recall  
15 her. And we can discuss the  
16 issues that will be ---  
17 obviously, I wouldn't want to  
18 repeat anything we've already  
19 done.  
20 ATTORNEY NICHOLS:  
21 On behalf of the  
22 Plaintiff, I want to know also  
23 that these issues have been  
24 brought before Judge McLaughlin,  
25 and the issue regarding the

1 exhaustive administrative  
2 remedy's report which I received  
3 otherwise including EOC having  
4 photographs by Judge McLaughlin.  
5 And therefore, as Plaintiff's  
6 Counsel, I would strongly oppose  
7 to revisiting those issues.  
8 ATTORNEY HEATH:  
9 Well, I don't want to  
10 take the time today to argue  
11 about this too specifically, but  
12 it's my recollection of what  
13 Judge McLaughlin said at the  
14 hearing specifically on the  
15 exhaustion of the administrative  
16 remedy's issue, he wasn't going  
17 to dismiss it outright and it  
18 would be a subject of discovery,  
19 which could be brought up then  
20 in a motion for summary judgment  
21 if we feel necessary.  
22 ATTORNEY NICHOLS:  
23 Was that stated on the  
24 record, Counsel?  
25 ATTORNEY HEATH:



1 I believe so. If not, it  
2 was stated beforehand, but I'll  
3 be --- you know, if we have  
4 to ---.

5 ATTORNEY NICHOLS:  
6 Because I recall ---.

7 ATTORNEY HEATH:  
8 My recalling your client

9 may be necessary on a variety of  
10 issues, not just this issue.

11 We'll see how far we get today,  
12 and I don't really want to take  
13 the time today to argue about  
14 it. If you want to go in front  
15 of the Court, we can do it there  
16 if we need to.

17 ATTORNEY NICHOLS:

18 Okay.

19 ATTORNEY HEATH:

20 But I have the right to  
21 ask her today what she did in  
22 pursuing her administrative  
23 remedies, because as you are  
24 aware, there is no complaint  
25 that was ever served upon the

1 District, and we have no  
2 formalized complaint from the  
3 PHRC. Now, I don't know if it's  
4 in that box of documents, but

5 the District never was served  
6 with that complaint. When you  
7 brought it up in front of the

8 Judge, you couldn't give me a  
9 complaint that was amended. So  
10 I have every right to pursue  
11 this avenue of question with her  
12 today.

13 ATTORNEY NICHOLS:  
14 Well, the only thing I

15 can say, I thought these issues  
16 were fully discussed before the  
17 Judge.

18 ATTORNEY HEATH:

19 They were discussed, and  
20 that was through the subject of  
21 discovery.

22 ATTORNEY NICHOLS:

23 And the Judge ruled. As  
24 I remember Judge McLaughlin, he  
25 had ruled on these issues. I

1 don't think he left the door  
2 open. Now, I don't think it  
3 would be proper to --- and you  
4 can ask him, to ask him if it's  
5 reopened and to revisit these  
6 issues. I thought this was long  
7 behind us.

8 ATTORNEY HEATH:

9 I disagree, and in the  
10 interest of time, what I would  
11 suggest you do is subject to  
12 your record --- being put onto  
13 the record, your objection, I  
14 can ask her what she did, and  
15 then we'll go from there as to  
16 going before the Judge to  
17 determine if this is going to be  
18 a subject that's proper for a  
19 motion for summary judgment.  
20 My reservation of my  
21 right to recall her also relates  
22 to the medical records issue,  
23 and also relates to the fact  
24 that I'm still in the process of  
25 trying to get full documentation

1 from the PSEA. Depending upon  
2 what I receive, it may be  
3 necessary to recall her. It may  
4 not be. I'm simply reserving  
5 the right on the record, and if  
6 you want to object, go in front  
7 of the Judge about that, too.

8 ATTORNEY NICHOLS:

9 Well, I will object to  
10 revisiting this issue dealing  
11 with things, the PHRC and the  
12 exhaustion of remedies, because  
13 I thought we had discussed that  
14 fully in front of the Judge and  
15 the Judge ruled. That's the  
16 first thing, okay? So I note my  
17 objection for the record on  
18 that.

19 On the medical records,  
20 you alluded to them, but you  
21 were not specific.

22 ATTORNEY HEATH:

23 The HIPAA releases that  
24 you provided to me.  
25 ATTORNEY NICHOLS:

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<p>1 Right.</p> <p>2 ATTORNEY HEATH:</p> <p>3 I have sent them to the</p> <p>4 health care providers. I only</p> <p>5 ever heard from the Edinboro</p> <p>6 Women's Health Center. Never</p> <p>7 heard from anybody else. Don't</p> <p>8 have those medical records.</p> <p>9 ATTORNEY NICHOLS:</p> <p>10 Okay.</p> <p>11 ATTORNEY HEATH:</p> <p>12 So I don't know what they</p> <p>13 say.</p> <p>14 ATTORNEY NICHOLS:</p> <p>15 Well, we provided the</p> <p>16 release to you.</p> <p>17 ATTORNEY HEATH:</p> <p>18 I understand that, but I</p> <p>19 still don't have the records.</p> <p>20 ATTORNEY NICHOLS:</p> <p>21 So what are we saying?</p> <p>22 ATTORNEY HEATH:</p> <p>23 All I'm saying is --- and</p> <p>24 I really don't want to spend the</p> <p>25 time arguing about this now on</p>	<p>1 or not the parties, the medical</p> <p>2 institutions or the medical</p> <p>3 providers that you requested</p> <p>4 these documents from will</p> <p>5 comply, I don't know. But we</p> <p>6 have discharged our obligation.</p> <p>7 All right? That should be</p> <p>8 reflected.</p> <p>9 As to recalling the</p> <p>10 Plaintiff for further inquiry</p> <p>11 into the medical records and so</p> <p>12 forth, I think one of the Judges</p> <p>13 ruled that he's not going to</p> <p>14 allow you to submit the</p> <p>15 Plaintiff to a psychiatric exam.</p> <p>16 ATTORNEY HEATH:</p> <p>17 No. I don't know if you</p> <p>18 were in the same courtroom I was</p> <p>19 in. What the Judge said was</p> <p>20 today I'm not going to say you</p> <p>21 have the opportunity to give her</p> <p>22 another IME.</p> <p>23 ATTORNEY NICHOLS:</p> <p>24 Right.</p> <p>25 ATTORNEY HEATH:</p>
Page 51	Page 53
<p>1 the record when I'm trying to</p> <p>2 take her deposition.</p> <p>3 ATTORNEY NICHOLS:</p> <p>4 Right.</p> <p>5 ATTORNEY HEATH:</p> <p>6 I'm just reserving the</p> <p>7 right to recall her if</p> <p>8 necessary. If at that time you</p> <p>9 want to object, we can go before</p> <p>10 the Judge about it.</p> <p>11 ATTORNEY NICHOLS:</p> <p>12 Well, I think the</p> <p>13 record ---</p> <p>14 ATTORNEY HEATH:</p> <p>15 I don't know what I'm</p> <p>16 going to have. I may not even</p> <p>17 finish today.</p> <p>18 ATTORNEY NICHOLS:</p> <p>19 Right. I would think the</p> <p>20 record --- let the record</p> <p>21 reflect this was a vantage point</p> <p>22 of the Plaintiff is that in</p> <p>23 terms of the HIPAA release, we</p> <p>24 have provided that in accordance</p> <p>25 with the Court's Order. Whether</p>	<p>1 You have to wait until</p> <p>2 you get the medical records.</p> <p>3 After you have an opportunity to</p> <p>4 review the medical records and</p> <p>5 we get a time frame down</p> <p>6 concerning her psychiatric</p> <p>7 conditions, that's when we'll</p> <p>8 see if an IME is merited or not</p> <p>9 and it's something that could be</p> <p>10 revisited.</p> <p>11 ATTORNEY NICHOLS:</p> <p>12 Well, I think his ruling</p> <p>13 was ---</p> <p>14 ATTORNEY HEATH:</p> <p>15 Mr. Nichols, can we go</p> <p>16 off the record?</p> <p>17 OFF RECORD DISCUSSION</p> <p>18 ATTORNEY NICHOLS:</p> <p>19 With respect to the last</p> <p>20 matter, the HIPAA release, I</p> <p>21 just stated that what we have</p> <p>22 done. As to further subjecting</p> <p>23 the Plaintiff to IMEs, the</p> <p>24 Judge, I think, has definitively</p> <p>25 ruled that he's not going to</p>

<p>Page 54</p> <p>1 allow that. And the reason for  2 the rationale we advanced and I  3 think he accepted is it went  4 beyond 2003, the date of her  5 termina<sup>ti</sup>on. There is no  6 reason, no rational reason, to  7 allow the Defendants to further  8 pry into the Plaintiff's mental  9 health conditions.</p> <p>10 BY ATTORNEY HEATH:  11 Q Let me just ask the Plaintiff  12 this and for the record. Are you ---  13 is it your testimony that you could  14 have returned to work after the release  15 to return to work as per the  16 independent medical examination that  17 was requested by the District; is that  18 right? That your mental health has not  19 been a factor since that time going  20 forward, since 2002 going forward; is  21 that what you're saying?  22 A I'm very sorry, but I don't  23 quite understand the question.</p> <p>24 Q What I think your Counsel is  25 indicating is once the psychiatrist</p> <p>Page 55</p>	<p>Page 56</p> <p>1 another nervous breakdown. Well, my  2 God, Jehovah God, He is stronger than  3 their God, which is Satan, because they  4 are working behind them, the evil. And  5 Jehovah talks about all this. They are  6 trying to push me to the end to have  7 another nervous breakdown. But even if  8 I lose my certification, that said, if  9 they are successful ---  10 Q Okay. Let me just stop you  11 there.</p> <p>12 ATTORNEY HEATH:  13 What I'm going to say for  14 the record is because I don't  15 have all of the records, and  16 given what she just said on the  17 record, this might have to be an  18 issue that comes before Judge  19 McLaughlin. I don't want to  20 debate it today. I don't have  21 the records. I don't know  22 what's going to be in the  23 records, and I really don't want  24 to debate it today.</p> <p>25 ATTORNEY NICHOLS:</p> <p>Page 57</p>
<p>Page 55</p> <p>1 that was retained by the School  2 District, he gave you an independent  3 medical examination in 2002. Once that  4 psychiatrist indicated that you could  5 return to work, that you were not  6 impaired by your psychiatric condition.  7 Is it your testimony that your  8 psychiatric condition has not been at  9 issue from that time forward?  10 A It is an issue. It is, because  11 I find that he said I'm not impaired.  12 I can function. I can teach. However,  13 my mental condition is extremely  14 fragile, and that's what they were  15 using against me because they knew I  16 suffer recurrent severe depression  17 because of all this harassment. I  18 already had a nervous breakdown. And  19 when I go back, instead of making  20 things easier for me, they pushed me to  21 the end.</p> <p>22 What they're doing now, they're  23 trying to get away my certification,  24 talking about evil. They're trying to  25 do everything to drive me to have</p>	<p>Page 57</p> <p>1 I understand, Counsel.  2 I'm not going to debate it  3 today, but I don't think my  4 client fully understands your  5 question. And let me --- in the  6 clarification purposes, I think  7 you asked her two questions.  8 One, you're asking her is that  9 since she has returned to work  10 in 2002 per the order of Doctor  11 Mercatories, is her condition  12 --- is that a condition any  13 longer in question? All right.  14 Now, one, the Doctor  15 Mercatories' order to return her  16 to work in May 2002 will speak  17 for itself.</p> <p>18 A McFadden.  19 ATTORNEY NICHOLS:  20 McFadden, correct. It's  21 McFadden.</p> <p>22 A That was their own doctor.  23 ATTORNEY NICHOLS:  24 All right. It's on the  25 record. It will speak for</p>

<p>1 I myself what the doctor said. He  2 returned her to work. Now, as  3 to what she went on to say about  4 when she returned to work, the  5 harassment, the conditions when  6 she returned exacerbated her  7 condition, that's what she's  8 saying.  9 ATTORNEY HEATH:  10 So therefore ---  11 ATTORNEY NICHOLS:  12 But she is not changing  13 what --- she can't change what  14 the doctor said. That's what  15 that doctor said. That medical  16 opinion's going to speak for  17 itself.  18 ATTORNEY HEATH:  19 All right.  20 All I'm not crazy. I'm mentally  21 healthy. I can work.  22 ATTORNEY NICHOLS:  23 Well, that's what the  24 doctor said. That's what the  25 doctor said.</p>	<p>1 Q You're saying that you were  2 capable of performing your job ---  3 A Even with my depression.  4 Q --- but you still suffered from  5 depression?  6 A It was exaggerated by all the  7 horrible treatment, different  8 treatment, all the harassment. Darned  9 if I disciplined, darned if I didn't.  10 It started with the parents.  11 Q Let me just ask you this. So  12 relative to your Complaint that's  13 pending before the Federal Court, you  14 do have a claim in there for emotional  15 distress. Is your mental state from  16 that time frame going to be at issue in  17 your claim for damages? Are you going  18 to claim I am entitled to monetary  19 compensation because of the alleged  20 harassment that I received at the hands  21 of the District?  22 ATTORNEY NICHOLS:  23 What period are you  24 talking about? This is  25 important.</p>	Page 58	Page 60
<p>1 A Even with the aggravation, I can  2 work.  3 ATTORNEY HEATH:  4 But what the doctor said  5 in 2002 doesn't necessarily  6 address maybe how her condition  7 may have affected her in 2003.  8 What I'm asking her is if she  9 felt that she was capable of  10 working from 2002 to the time of  11 her termination.  12 BY ATTORNEY HEATH:  13 Q Were you mentally able to work,  14 or did your condition affect your  15 ability to perform your job duties?  16 A No, I was able to work. But  17 unfortunately, the mental stability ---  18 I did everything they asked me,  19 everything. I complied with every  20 single request, including taking the  21 psychological evaluation so they  22 wouldn't fire me. It didn't matter.  23 They had already asked me for my  24 resignation. They were going to fire  25 me no matter what I did.</p>	<p>1 ATTORNEY NICHOLS:  2 2002.  3 ATTORNEY NICHOLS:  4 What period are you  5 talking ---?  6 ATTORNEY HEATH:  7 Until the time she was  8 terminated.  9 ATTORNEY NICHOLS:  10 Okay. Let's speak  11 because it's very important ---  12 ATTORNEY HEATH:  13 I understand.  14 ATTORNEY NICHOLS:  15 --- that we speak with  16 specificity in terms of periods  17 here because the allegations  18 that were put forth ---  19 ATTORNEY HEATH:  20 And that's what I was  21 unclear about in the Complaint.  22 ATTORNEY NICHOLS:  23 Right, right. And it's  24 very important you remember when  25 I think our last meeting before</p>	Page 59	Page 61

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1 Judge McLaughlin, the dates ---  
2 ATTORNEY HEATH:  
3 I just want to hear  
4 that ---.

5 ATTORNEY NICHOLS:  
6 --- that came up, the  
7 dates came up as to ---.

8 ATTORNEY HEATH:  
9 I know. That's why I'm  
10 asking her questions.

11 ATTORNEY NICHOLS:  
12 And also to what extent  
13 possibly we will hold the

14 District liable for these  
15 damages, emotional pain and  
16 suffering, okay? What period?

17 ATTORNEY HEATH:  
18 I really don't want your  
19 testimony. I just want to ask

20 her what --- she said that she  
21 reviewed the Complaint.  
22 ATTORNEY NICHOLS:

23 Yeah, but the date's  
24 important.

25 ATTORNEY HEATH:

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1 That's why I'm asking her  
2 the dates. I don't want your  
3 testimony. I want her  
4 testimony.

5 ATTORNEY NICHOLS:  
6 Yeah, but it's

7 clarifying. Don't confuse the  
8 dates, because she doesn't, I  
9 don't think --- I understand it.

10 Take your time. You know, if  
11 you don't understand because  
12 this is important as to the

13 periods within which we are  
14 holding the District liable for,  
15 as you have raised, for pain and

16 suffering, possibly pain and  
17 suffering claim, okay? Now, I  
18 thought we covered this before

19 Judge McLaughlin in our last  
20 submission.

21 ATTORNEY HEATH:

22 What was covered before

23 Judge McLaughlin was different  
24 than --- the point was, because

25 I didn't have the records I

1 didn't know what I was looking  
2 for. I wasn't clear on the time  
3 frame. Because there wasn't a  
4 time frame that was specified in  
5 the Complaint, that's why I  
6 wanted to get the records.  
7 After I got the records,  
8 Judge McLaughlin said depending  
9 upon what the records show you  
10 and what her testimony was that  
11 you can make a decision if you  
12 want to come back to me and ask  
13 for an IME. I'm just trying to  
14 figure out what her claim is  
15 concerning her mental state and  
16 at what time.  
17 ATTORNEY NICHOLS:  
18 Okay. Well, you ask what  
19 time. Time is critical.  
20 ATTORNEY HEATH:  
21 I know. That's why I'm  
22 asking her questions.  
23 ATTORNEY NICHOLS:  
24 What period are you  
25 talking about? Now, you're

1 talking about pain and  
2 suffering, right? Those  
3 damages, right?

4 ATTORNEY HEATH:  
5 I'm trying to see if  
6 there's a distinction between  
7 her claims concerning her  
8 alleged discrimination on the  
9 basis of her perceived  
10 disability and actual  
11 disability, and then the claims  
12 for emotional distress. I'm

13 trying to determine what time  
14 frames we're talking about, when  
15 she's claiming these periods  
16 existed.

17 ATTORNEY NICHOLS:

18 Well, I think we have  
19 already answered your first two  
20 time frames. In the Complaint,  
21 we answered one in terms of the  
22 failure to accommodate.

23 ATTORNEY HEATH:

24 Mr. Nichols, I don't ---

25 what the Complaint says is one

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<p>1 thing. I have every right to  2 ask her about the basis  3 underlying what's alleged in the  4 Complaint.  5 ATTORNEY NICHOLS:  6 True, but I'm very  7 concerned about ---  8 ATTORNEY HEATH:  9 I don't want your  10 testimony.  11 ATTORNEY NICHOLS:  12 I understand. I'm not  13 going to testify, but what I'm  14 insisting is that she not be  15 confused with the dates here of  16 possible liability, when it  17 starts and when it stops  18 relative to the different  19 theories under the ADA law. Do  20 you see what I'm saying? That's  21 what. If you could specify,  22 that would be helpful.  23 ATTORNEY HEATH:  24 Okay. I'm trying to.  25 ATTORNEY NICHOLS:</p>	<p>1 better, right. I come back to work ---  2 Q What time frame are you talking  3 about now?  4 A I'm talking about from the very  5 beginning. I'm talking about the first  6 arbitration. The second arbitration,  7 third arbitration, ---  8 Q So in 1993 forward?  9 A --- fourth arbitration.  10 Q You say you had a nervous  11 breakdown. When was that?  12 A That was in 1998, after Mr.  13 Dolecki suspended me ---  14 Q Okay.  15 A --- because of what Mr. Deslmer  16 said.  17 Q So you're saying that you had  18 these psychotic dreams. When was that?  19 A As soon as Mr. Dolecki suspended  20 me, after that.  21 Q So it was 1998?  22 A 1998.  23 ATTORNEY NICHOLS:  24 No, it was '97, you  25 went ---</p>
Page 67	Page 69
<p>1 Okay.  2 BY ATTORNEY HEATH:  3 Q Relative to your claim for  4 emotional distress, what I'm asking  5 about, not all inclusively a time  6 frame, but the time between Doctor  7 McFadden's indication that you were  8 able to return to work until your  9 termination in 2003. At that time, I  10 believe what you're saying is although  11 you were capable of returning to work,  12 you believed that the District's  13 treatment of you caused you some  14 emotional distress, is that correct?  15 A Well, my mental distress, it was  16 caused by them. From the very first  17 arbitration, second arbitration which  18 led me to my nervous breakdown, the  19 horrible nightmares, psychotic dreams I  20 had about Mr. Deslmer. Horrible things  21 that he was doing to me in my psychotic  22 dreams. They were so horrible and then  23 Templeton and Berkeley --- about these  24 horrible demons and aliens. And then  25 when I'm beginning to feel a little bit</p>	<p>1 A In '97 I was suspended. And I  2 survived on medical leave since 1997.  3 You have all the medical records ---  4 oh, you don't have them.  5 ATTORNEY NICHOLS:  6 On through to '98.  7 ATTORNEY HEATH:  8 I'm going through --- Mr.  9 Nichols, please. If you're  10 going to continue to do this,  11 I'm going to stop the  12 deposition. I'm going to call  13 the Judge. I do not want you to  14 be testifying.  15 ATTORNEY NICHOLS:  16 No, the only thing I know  17 is this.  18 ATTORNEY HEATH:  19 You can object. That's  20 what you can do.  21 ATTORNEY NICHOLS:  22 No, no. All I'm trying  23 to do is clarification. There's  24 a need for clarification. It's  25 not right for me to stay as a</p>



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<p>1 potted plant and let my client 2 go on the record and make --- if 3 she doesn't understand. I mean, 4 otherwise, I will simply say --- 5 I excuse myself as Counsel, and 6 let her get another Counsel, 7 because it's not right for me to 8 sit here like a potted plant. 9 What is my role? Let's be 10 serious. What is my role as 11 Counsel? What is my role? 12 ATTORNEY HEATH: 13 This is not a trial. 14 It's a deposition. 15 ATTORNEY NICHOLS: 16 Yeah, even a deposition, 17 do I sit here and allow possibly 18 misunderstandings? I'm not 19 ascribing bad motives to 20 anybody. 21 ATTORNEY HEATH: 22 That's why you do have 23 a --- 24 ATTORNEY NICHOLS: 25 I do, I say look here.</p>	<p>1 bring the curtain down right now 2 if we can't be honest. I don't 3 deal with anything that I don't 4 believe in. 5 ATTORNEY HEATH: 6 I am trying to get her 7 testimony as to what's the basis 8 for her allegations are as per 9 the Complaint. 10 ATTORNEY NICHOLS: 11 All right. Take your 12 time. 13 ATTORNEY HEATH: 14 Because I don't have --- 15 I have some documentation 16 concerning her mental condition. 17 But as I said, I have not 18 received all of the information 19 specifically from her 20 psychiatrist or from the 21 hospital where she went in, was 22 hospitalized for a psychiatric 23 evaluation and visitation. 24 So I'm at a bit of a 25 loss, and I'm asking her to</p>

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<p>1 ATTORNEY HEATH: 2 That's why you'll have a 3 chance to ask her questions when 4 I'm finished. 5 ATTORNEY NICHOLS: 6 All right, all right. 7 But I thought it would be 8 helpful as we go along. That's 9 all. And I would ask the Judge 10 the same thing. What is my 11 role? Do I sit here as a potted 12 plant and say nothing? I will 13 ask the Judge that. What is my 14 role? Let's be honest. 15 ATTORNEY HEATH: 16 Okay. Now, can you 17 please keep your voice down? 18 ATTORNEY NICHOLS: 19 Yeah. 20 ATTORNEY HEATH: 21 I mean, this is a --- 22 ATTORNEY NICHOLS: 23 I mean, because we came 24 here honest. I agree to stop. 25 Let's stop it right now. Let's</p>	<p>1 clarify for me the series of 2 events, when they occurred, and 3 what led to her hospitalization, 4 and how her mental state was 5 after that fact. That's what 6 I'm asking her to tell me. 7 ATTORNEY NICHOLS: 8 Okay. All right. 9 BY ATTORNEY HEATH: 10 Q So you indicated, I know that 11 you went out on leave in 1997 and 12 didn't return until the end of the year 13 1999, October 1997, so the 1997-1998 14 school year, you were out on medical 15 leave. And then the 1998 to almost the 16 end of 1999, you were out as well? 17 A Uh-huh (yes). 18 Q Is that correct? 19 A I survive on medical leave. 20 Q Okay. But you were out at that 21 time. Now, prior to that time, those 22 were the --- that was the time frame 23 when you received an unsatisfactory 24 evaluation for the 1993-1994 school 25 year, and then I believe for the</p>

1 1994-1995 school year?

2 A '95-'96.

3 Q '95-'96 school year.

4 A Uh-huh (yes).

5 Q Now, when you were talking about

6 having these psychotic dreams and all

7 things of that nature, what time frame

8 are you talking about?

9 A Well, I started feeling sick,

10 extremely sick, as soon as Mr. Dolecki

11 suspended me.

12 Q And you're talking 1997?

13 A I 1997, the first suspension,

14 because of what Mr. Deshner said, which

15 I never knew. But then later on, ten

16 years later, nine years, they found

17 something he put in my file. Then from

18 that moment on, my psychological mental

19 well-being began to deteriorate to the

20 point that in March 6th, I had a

21 nervous breakdown.

22 Q Of what year?

23 A I 1998...

24 Q And when you say nervous

25 breakdown, what does that mean?

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1 A That's when I start suffering

2 the psychotic, horrible dreams. And

3 then I have to be hospitalized.

4 Q Were you ever hospitalized prior

5 to that time?

6 A No, never.

7 Q I mean, for depression?

8 A No, never. Never. Only when I

9 had my baby girl.

10 Q And did you suffer from

11 post-partum depression at that time?

12 A No, no. I just went in to have

13 my baby, in Saint Vincent's, just to

14 give birth.

15 Q Oh, okay. So what you're saying

16 is the only time you were in the

17 hospital was to have your child?

18 A Yes, and not for mental reasons,

19 no, no. That was the first time until

20 1998. And on 1997, unfortunately when

21 I started being depressed, I cry and

22 cry and cry consistently, I couldn't

23 stop crying. I tried different

24 medications. That's when I was in

25 Zoloft, Prozac, and nothing would work

1 for me because my depression just

2 deteriorated. I just panicked, what I

3 was going to do, I'm losing my job.

4 Q Let me stop you there.

5 A I'm not going to be able to go

6 back to work.

7 Q In 1995 in August, do you recall

8 going to the Edinboro Medical Center

9 with some complaints of depression?

10 A Edinboro Medical Center, that

11 was after the first arbitration?

12 Q I don't know. It's August of

13 1995.

14 A Yeah, probably, because in

15 '93/'94, I went through so much

16 harassment at school, it was horrible.

17 Q And then you also got divorced

18 in 1996; is that right?

19 A In 1997, I think it was. I

20 believe it was 1997. No, I've been

21 married in 1996.

22 Q When were you divorced from Mr.

23 Mahoney?

24 A That was in 1992.

25 Q In '92?

1 A Yes.

2 Q So in August of 1995, the only

3 records that I have so far are from the

4 Edinboro Medical Center, and it said

5 that you started to complain about

6 depression, but you had indicated you

7 were not suicidal. But then it

8 indicates you're going through a

9 divorce with Mr. Mitchell?

10 A Well, yes, I did go through a

11 divorce after three and a half years,

12 yes.

13 Q And that was in 1995 as well?

14 A I think it was in 1995.

15 Q The notation I have here

16 indicates that in August 1995, you were

17 complaining of depression and anxiety,

18 was going through a divorce with Mr.

19 Mitchell. You complained of poor

20 appetite, lack of sleep, no energy,

21 crying a lot and trouble getting

22 motivated?

23 A Right, but it was not just

24 because of the divorce. It was not the

25 main reason. It was because I had



Page 78	Page 80
<p>1 already gone through the first 2 arbitration. 3 Q And you indicated here that 4 sometimes --- 5 A I cried a lot. 6 Q --- you think that you would 7 rather be dead, but you didn't have any 8 actual plans to kill yourself; do you 9 recall that? 10 A No. 11 Q Then you began taking Prozac in 12 September of 1995, and Ativan to help 13 you sleep. And you were at that time 14 advised to talk to a psychologist; do 15 you recall that? 16 A No. In 1995, no, it wasn't. If 17 that's from Edinboro Medical Center? 18 Q Yes, it is. 19 A Is that what you said? No, I 20 don't recall that. 21 Q When was the first time you ever 22 --- or did you ever talk to a 23 psychologist? 24 A The first time I talked to a 25 psychologist, it was when I went into</p>	<p>1 wrong kid, then they start all this 2 series of harassment. He couldn't 3 understand, and that was a great deal 4 of influence in the breakup of our 5 marriage, because I cry --- 6 Q Because you disciplined the 7 wrong kid, are you talking about Brian 8 Gray? 9 A Brian Gray. 10 Q We're going to talk about that 11 in a little more detail later. 12 A Yeah. 13 Q But right now I'm just trying to 14 get some time frame down about your 15 treatment. 16 A So not because of --- okay, I 17 want to just clarify that you think 18 that it was because of the divorce that 19 I went through that depression. No, 20 during '93, '94, which it was in '94 21 when I had called Brian Gray's parents, 22 it was after that it was stated the 23 accusations that they did to me, that I 24 had been showing my bra. 25 Q Well, we're going to get to all</p>
Page 79	Page 81
<p>1 --- when I suffer my nervous breakdown 2 in 1998, Doctor Torres sent me to him 3 in Saint Vincent's. And then I start 4 having therapy with Doctor Luis Torres. 5 Q With Doctor who? 6 A Luis Torres, T-O-R-R-E-S. Luis 7 Torres. 8 Q Was he a psychiatrist or a 9 psychologist? 10 A He was a psychologist. He's the 11 one who admitted me into Saint 12 Vincent's. 13 Q And that was in 1998? 14 A In 1998, when I had my nervous 15 breakdown, yes. But prior to that, 16 remember I had the first arbitration, 17 which was a mistake for me, which was 18 probably in a way influenced my second 19 marriage with Mr. Mitchell because he 20 couldn't understand why I cry so much. 21 He couldn't understand the struggle 22 that I was going through and the pain, 23 because after I had worked so hard to 24 re-educate myself to learn English, 25 then because I had disciplined the</p>	<p>1 of that. 2 A It was mentally devastating. 3 Mr. Mitchell couldn't understand 4 eventually after he saw me crying, 5 depressed, sorry, we have to end out 6 the marriage. He couldn't understand 7 the fear I had constantly in losing my 8 job. 9 Q It looks like there was a time 10 frame where you didn't go to this 11 particular medical center between 1995 12 and at all in 1996. And then in 1997, 13 you once again were given Prozac. Did 14 you go somewhere else in 1996? 15 A Well, no, I did not. I was just 16 going there, but in 1995, 1996, the 17 second arbitration came up. 18 Q Well, it looks like you didn't 19 treat at all at this particular medical 20 center in 1996 at all? 21 A Uh-huh (yes). I was just taking 22 medication for a while, but then I 23 decided that maybe I shouldn't because 24 I didn't want to be on medication, and 25 I wanted to fight the depression by</p>

<p>Page 82</p> <p>1 myself, maybe exercising, doing 2 something positive. 3 I attended my meeting, my 4 religious meeting consistently, because 5 that is stressing me even now. That's 6 what keeps me alive, my religious 7 beliefs. I have been one of Jehovah's 8 Witnesses for 28 years, for 28 years. 9 So that is the only thing that is 10 strengthening me, when I go to the 11 meetings. 12 Q There wasn't any other place you 13 treated at that time that you remember? 14 A Well, not that I recall. Not 15 that I recall, because even when I went 16 to review my medical records, not that 17 I recall, but maybe something that I 18 cannot recall that precise treatment. 19 But I just remembered in 1995, 1996, 20 after the second arbitration, I went 21 back to the same thing. I had to start 22 taking medication again. 23 Q It looks like you started taking 24 Effexor March 17th of 1997, at least 25 here, is what it's saying. And then</p>	<p>Page 84</p> <p>1 But then finally I came out with 2 the conclusion that the only thing that 3 makes me feel better and it keeps me at 4 ease and mentally healthy is the 5 Effexor, which eventually I would like 6 to stop it also because I don't want to 7 spend my whole entire life taking that 8 medication. 9 Q In October 20th, I have a 10 rotation here of 1997, you went again, 11 a complaint of ongoing depression and 12 having trouble at work, and then you 13 were given Paxil. And then you 14 indicated that essentially you were 15 experiencing the same symptoms that you 16 had in the spring of '97 and the summer 17 of '97. You also then complained that 18 Zolofit gave you a problem during that 19 time frame. It made you a, quote, wild 20 and angry woman. Do you remember that? 21 A Oh, yeah. It made me feel 22 terrible, angry. And I said I'm not 23 that kind of person. I mean, I can get 24 upset. I'm only human, but I'm very at 25 ease, very easy-going person. But it</p>
<p>Page 83</p> <p>1 you requested Zolofit, but then you also 2 were taking Paxil at that same time. 3 Do you recall taking ---? 4 A Yes, the doctor gave me several 5 --- since I told her the Prozac, what 6 it had done to me, what it was 7 happening with Prozac, I was unable to 8 talk. I would say pen. I would say 9 pencil. I would say fork. Things were 10 coming out of my mind without me 11 wanting to say them, very seldom. 12 Q And you were teaching this whole 13 time; correct? 14 A Well, no. I was teaching, but 15 this thing that it was happening to me, 16 it was so sporadic, and only in a 17 conversation. It never happened to me 18 while I was teaching, because I was 19 able to read my book and follow it, 20 see. But sometimes when I had a 21 conversation at work, it would come up 22 every now and then. So I told him I 23 don't want to take that Prozac, and 24 then we started trying other, different 25 medications.</p>	<p>Page 85</p> <p>1 made me angry, so I stopped. 2 Q Do you remember the time frame? 3 A Probably it was about two weeks. 4 Q Summer of 1997, or is that right 5 around there? 6 A No, it was only two weeks. I 7 cannot recall, but it was only a couple 8 weeks. I try every medication a couple 9 weeks, couple weeks, couple weeks. It 10 was not working. Eventually Paxil, I 11 was able to take it for quite a while. 12 It just made me tired. 13 Q And then you came back 14 approximately a week later and 15 indicated you had been charged with a 16 DUI and was avoiding arrest? 17 A Yeah, unfortunately that's how 18 the thing came up about me being a 19 stripper, the man. I was not even 20 married to him. It was a pedophile. 21 He came after my daughter. 22 Q What man is that? 23 A My third husband, Mr. McCracken. 24 Q Mr. McCracken? 25 A Mr. McCracken.</p>

<p>1 <b>Q</b> Are you remarried to him now?</p> <p>2 A Not even a year. That was in</p> <p>3 1 996, 1996. So what it happened that</p> <p>4 as soon as --- everything happening in</p> <p>5 this period of a week that I got all</p> <p>6 these reprimands from the School</p> <p>7 District. If you see the Complaint,</p> <p>8 first, second, third, fifth, tenth</p> <p>9 suspension. And then that's when my</p> <p>10 daughter told me what Mr. McCracken had</p> <p>11 done, that he posed to her masturbating</p> <p>12 himself.</p> <p>13 <b>Q</b> And then when I was arrested, I</p> <p>14 went to talk to his mother, and I said,</p> <p>15 I want the man out of my house. I want</p> <p>16 the man out of my house, and I don't</p> <p>17 very seldom drink, but I had a schedule</p> <p>18 to meet with a girlfriend, and I had</p> <p>19 two drinks. Right? But when I came</p> <p>20 back ---</p> <p>21 <b>Q</b> Were you also taking medication?</p> <p>22 A And I was taking my medication,</p> <p>23 so those two drinks with my medication,</p> <p>24 and since I don't drink, I have zero</p> <p>25 tolerance, then that's when it</p>	<p>Page 86</p> <p>1 when the kids approach me and they say,</p> <p>2 oh, you had a DUI, I said don't listen</p> <p>3 to me. Don't see me as a role model.</p> <p>4 You break the rules, you pay for it.</p> <p>5 <b>Q</b> So with regard to --- and I've</p> <p>6 read some of the documentation</p> <p>7 concerning that. This is when you were</p> <p>8 teaching in October of 1997 in the</p> <p>9 modular classroom; correct?</p> <p>10 A Correct.</p> <p>11 <b>Q</b> And is it accurate to say that</p> <p>12 the walls and the doors were fairly</p> <p>13 thin so it's easy to hear in and out;</p> <p>14 is that true?</p> <p>15 A Yes, but there was another</p> <p>16 teacher teaching in the classroom</p> <p>17 behind me, beside me, and she said that</p> <p>18 Deshner was never there, standing</p> <p>19 there.</p> <p>20 <b>Q</b> Well, with regard to what Mr.</p> <p>21 --- what teachers understand Mr.</p> <p>22 Deshner said, and you do admit he came</p> <p>23 into your classroom?</p> <p>24 A He walk in, just right into my</p> <p>25 classroom. That's what she said. She</p>
<p>Document 100-00126-26</p> <p>1 happened. But that's what had caused</p> <p>2 the divorce, that particular situation.</p> <p>3 But it was everything together. First</p> <p>4 reprimand. As soon as they overruled</p> <p>5 the unsatisfactory --- as soon as they</p> <p>6 heard that it was done, it was on my</p> <p>7 behalf, then all together, Deshner,</p> <p>8 Templeton, Berkeley, Dolecki,</p> <p>9 reprimand, reprimand, reprimand,</p> <p>10 suspension, all in just a period.</p> <p>11 Then I encounter with Templeton,</p> <p>12 and she was scolding me because I had</p> <p>13 given detention. Sent me a paper</p> <p>14 saying you're picking on the kids. We</p> <p>15 already sent a letter to the parents</p> <p>16 saying you are picking on the kids.</p> <p>17 They were horrible, those kids. And</p> <p>18 then when the substitute was</p> <p>19 substituting, she sent the same kids to</p> <p>20 her, but they did not reprimand her.</p> <p>21 They reprimand me.</p> <p>22 And then Deshner accused me of</p> <p>23 all these things that I have said</p> <p>24 against the School District, and I said</p> <p>25 what did I say? The only thing is that</p>	<p>Page 87</p> <p>1 said, oh, no, he was never standing</p> <p>2 there. He just walked straight.</p> <p>3 <b>Q</b> And you do admit that you were</p> <p>4 discussing the DUI in front of the</p> <p>5 class?</p> <p>6 A I wasn't. I was answering</p> <p>7 questions that they asked me, and I</p> <p>8 wanted to give a short answer. It was</p> <p>9 extremely embarrassing. It was</p> <p>10 extremely painful, but I was able to</p> <p>11 address it to the students. And I told</p> <p>12 them I very seldom drink. It is true,</p> <p>13 I don't have an alcohol problem or drug</p> <p>14 problem.</p> <p>15 <b>Q</b> Did you say it to your class at</p> <p>16 that time that there was a conspiracy</p> <p>17 between the police and the School</p> <p>18 District administration to take your</p> <p>19 job away?</p> <p>20 A That's not true. Mr. Deshner</p> <p>21 made it up, as he made up many other</p> <p>22 things.</p> <p>23 <b>Q</b> Now, with regard to the ---</p> <p>24 A That's inaccurate information.</p> <p>25 <b>Q</b> --- arrest that night, you did</p>
<p>Page 88</p>	<p>Page 89</p>

<p>Page 90</p> <p>1 allude the police; isn't that correct?</p> <p>2 A.No, I did not. I did not. I</p> <p>3 didn't even know they were following</p> <p>4 me. I never heard them. I never saw</p> <p>5 my lights, I never heard any sirens.</p> <p>6 I didn't even know --- on the contrary,</p> <p>7 when they punched my tires, it was so</p> <p>8 happy to see one of them, and I said,</p> <p>9 sr, something happened to my car. And</p> <p>10 then he said because we've been</p> <p>11 following you.</p> <p>12 I was totally, totally</p> <p>13 astonished and amazed. I couldn't</p> <p>14 understand what was going on. I</p> <p>15 couldn't understand, because why would</p> <p>16 I do that? I was going to Edinboro</p> <p>17 where I lived. I don't have a drinking</p> <p>18 problem. I wasn't even legally drunk.</p> <p>19 QDo you know what the results of</p> <p>20 the test were?</p> <p>21 A.Yes.</p> <p>22 QWhat were they?</p> <p>23 A.And I have a copy. I was under</p> <p>24 the limit, and it says that I was under</p> <p>25 the legal limit.</p>	<p>Page 92</p> <p>1 refuse to stop when they never asked me</p> <p>2 to stop? I saw no lights. I saw them</p> <p>3 going in front of me. There was no</p> <p>4 lights, no siren, no nothing. How am I</p> <p>5 going to know? It's obvious they went</p> <p>6 ahead of me, because they threw the</p> <p>7 strips; right? They had to be way, way</p> <p>8 ahead of me to put the strips. So when</p> <p>9 were they following me?</p> <p>10 QDid you indicate it was foggy</p> <p>11 that night and you may not have seen</p> <p>12 their lights?</p> <p>13 A.It maybe was. I don't know. I</p> <p>14 just remember that I saw them going in</p> <p>15 front of me with no lights, no nothing.</p> <p>16 And by the time they stopped me, I'm</p> <p>17 telling you, I was so happy that they</p> <p>18 were there because I thought they were</p> <p>19 going to help me to see what was wrong</p> <p>20 with my car.</p> <p>21 So when I wanted to go to Court</p> <p>22 and I told Mr. Lewis I want to fight</p> <p>23 it, especially because of the result</p> <p>24 was I under the legal limit, I wasn't</p> <p>25 even drunk. I don't want to insult</p>
<p>Page 91</p> <p>1 QAnd relative to your alluding</p> <p>2 the police, you just didn't see them?</p> <p>3 A.No, the judge threw it out. He</p> <p>4 would never think that after been</p> <p>5 living in Edinboro for 20 years. Why</p> <p>6 would I allude police when I have no</p> <p>7 record of anything?</p> <p>8 QSo the police just made it up?</p> <p>9 A.Of course they did.</p> <p>10 QWhy would they do that?</p> <p>11 A.It's not that they made it up.</p> <p>12 I'm sure that probably they follow me,</p> <p>13 because I saw them going in front of me</p> <p>14 with no lights and no sirens. I saw</p> <p>15 them when they were in front of me</p> <p>16 going to 79. I was driving slow, and</p> <p>17 when I went to the police station, I</p> <p>18 say why did they --- are they charging</p> <p>19 me with over the speed limit when I</p> <p>20 wasn't even driving fast?</p> <p>21 And the policeman said it's not</p> <p>22 because you were driving fast. You</p> <p>23 were not. You were driving under the</p> <p>24 limit. It's because you refused to</p> <p>25 stop. And I said, well, how did I</p>	<p>Page 93</p> <p>1 anybody, but I'm going to share with</p> <p>2 you what he told me, why he didn't want</p> <p>3 to go back to fight.</p> <p>4 QWho's that?</p> <p>5 A.Mr. Lewis.</p> <p>6 QAnd who's he?</p> <p>7 A.My lawyer.</p> <p>8 QOkay.</p> <p>9 AHere's what he told me. He</p> <p>10 said, Claudette, he say, you don't want</p> <p>11 to fight this bunch of rednecks,</p> <p>12 because we feel it's nothing but a</p> <p>13 bunch of rednecks' prejudice, and only</p> <p>14 because you're Hispanic, they're going</p> <p>15 to find you guilty, doesn't matter</p> <p>16 what. So you say that you're guilty,</p> <p>17 take the ARD, don't fight it. It's</p> <p>18 going to cost you a great deal of</p> <p>19 money, and move on with your life.</p> <p>20 QSo they wouldn't have known you</p> <p>21 were Hispanic when they came out in</p> <p>22 front of you and put the strips down</p> <p>23 though; right?</p> <p>24 A.Of course, they saw me. They</p> <p>25 had to see me when I was driving. Why</p>

1 did they stop me?

2 Q Was it nighttime?

3 A Yeah, but they had to see me.

4 Q And your last name was McCracken

5 on your license?

6 A I had long --- yeah, but they

7 hadn't asked me for my background yet.

8 I have very long, curly hair. They had

9 to see me when I drove by them. I

10 don't know when. For they passed me,

11 and I saw them going in front of me.

12 Q So it's your inclination then in

13 that time frame they determined you

14 were Hispanic, and because you were

15 Hispanic they put the strips down?

16 A Well, probably. They had just

17 received them in May, and one of those

18 times I was the very first one. They

19 used them with me.

20 Q And you think that's because

21 you're Hispanic?

22 A Well, I'm just sharing Mr.

23 Lewis. He thinks that because they saw

24 me coming and alone and it was three

25 o'clock in the morning, or 2:30, that

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1 they did. I was just going there at

2 the wrong time.

3 Q But you deny saying in front of

4 your class that ---

5 A Of course, I didn't say that.

6 Q --- there was a conspiracy?

7 A Why would I even say that?

8 Q And do you deny saying to your

9 class that, oh well, if they fire me I

10 can always be a bartender?

11 A No, no, no, no, no. I never

12 said that. No. I don't know who made

13 it up. Why would I say that? I don't

14 even drink. Think, I don't even drink.

15 Why would I even be a bartender?

16 Q And after this, Mr. Deshner came

17 into your classroom and then you were

18 called in to discuss the situation, and

19 what was discussed in your class; is

20 that right, prior to you then getting

21 suspended?

22 A Okay. Say that again.

23 Q When Mr. Deshner walked into

24 your classroom when you were discussing

25 the DUI, and I understand your opinion

1 of what was said is different than what

2 Mr. Deshner recalls, then after that

3 time is when you were called in for the

4 suspension; is that right?

5 A Right. No questions asked. I

6 didn't even know that that's what he

7 had said. All these things that you

8 are saying right now, they are not

9 written on my suspension. They just

10 say for criticizing the School

11 District. That's what it says, nothing

12 else. I never knew what I had said or

13 what they were accusing me or what they

14 said I was saying. I never knew.

15 First he said that some of these things

16 when I tell him, then he said that, no,

17 that he was behind the door listening.

18 For some reason, it seems like

19 also a disparity of how he gave his

20 argument, right then. Who is to

21 believe? He also accused me of trying

22 to attack him. When I say you have

23 abused me consistently, that is not

24 right after all of the years you have

25 screamed and you have yelled at me, you

1 have spit on my face. And then I say

2 --- but in the last meeting, and I said

3 but I will go ahead and find you in

4 Court.

5 Now, he accused me here before

6 arbitration that I tried to attack him.

7 And you see how big he is. And I'm not

8 even 100 pounds. Do you think I would

9 do that? I'm a Christian. I'm one of

10 Jehovah's Witnesses. We don't even

11 vote. We don't even go to war. That

12 would go against my principles trying

13 to be violent like that. I fight for

14 my rights though.

15 Q And at the time that you're

16 talking now about 2003, the last

17 meeting? Is that what you're talking

18 about?

19 A I was talking about the whole

20 thing. I'm going to have to write a

21 book and then clarify it.

22 Q Well, I have a chronology of

23 events that we're going to share that

24 you prepared.

25 A Yeah, I do have that. Uh-huh



<p>1 (yes).</p> <p>2 QBut I think that you're talking</p> <p>3 about the meeting of 2003, when Joann</p> <p>4 Willison was present and Carl Roznowski</p> <p>5 was present; is that correct?</p> <p>6 ARight. I tell them that they</p> <p>7 have abused me, they have harassed me,</p> <p>8 he spit on my face. He got me in the</p> <p>9 hallway. He screamed, he yelled,</p> <p>10 always the threats would fire me, all</p> <p>11 the suspensions. I said, you have been</p> <p>12 abusing me, and how do you think you</p> <p>13 can get away with all this? How? It's</p> <p>14 not fair. It's not right. This is the</p> <p>15 year 2000. I comply with every</p> <p>16 request, and they gave all this</p> <p>17 inaccurate information.</p> <p>18 I could have kissed their feet</p> <p>19 just like the Indian people tried to do</p> <p>20 to the white man. They were mad</p> <p>21 because they wanted to commit genocide</p> <p>22 and get rid of them. It didn't matter.</p> <p>23 I'm Hispanic. I could have kissed</p> <p>24 their feet. It didn't matter. They</p> <p>25 were going to get rid of me. They were</p>	<p>Page 98</p> <p>1 this School District with other</p> <p>2 minorities as well?</p> <p>3 AThere is not a single black</p> <p>4 teacher in my school, not even one, not</p> <p>5 even one.</p> <p>6 QLet me show you what we'll mark</p> <p>7 as deLeon Exhibit Two.</p> <p>8 (deLeon Exhibit Number</p> <p>9 Two marked for</p> <p>10 identification.)</p> <p>11 BY ATTORNEY HEATH:</p> <p>12 QThis is a one-page document</p> <p>13 which indicates minority hiring in the</p> <p>14 Crawford Central School District, and</p> <p>15 it gives race and also national origin</p> <p>16 with place of birth in some cases. And</p> <p>17 I'd ask you to take a look at it.</p> <p>18 AUh-huh (yes). Are you talking</p> <p>19 about here, the people that they don't</p> <p>20 even work there anymore, right?</p> <p>21 QWell, some do and some don't.</p> <p>22 AOkay. Tell me who do.</p> <p>23 QBut some of these individuals,</p> <p>24 you would have worked with at --- that</p> <p>25 would have been employed the same time</p>
<p>Page 99</p> <p>1 already planning as soon as they took</p> <p>2 my kids for those tests. They didn't</p> <p>3 take anybody else. But they wanted to</p> <p>4 say she's incompetent, although I was</p> <p>5 one of the best teachers because I did</p> <p>6 control my classes.</p> <p>7 QWeren't there other Hispanic</p> <p>8 teachers in the District that were not</p> <p>9 subject to any discipline?</p> <p>10 ANot in my school, there are not</p> <p>11 any other Hispanics, not in my school.</p> <p>12 Mrs. Maziarz, she's Arab, from Europe.</p> <p>13 And she was married to --- she is</p> <p>14 married to Mr. Ron Maziarz, and he was</p> <p>15 the school board president, the</p> <p>16 president of the school board for many</p> <p>17 years.</p> <p>18 QSo were there any other</p> <p>19 Hispanics with whom you taught?</p> <p>20 ANot in my school. Are you</p> <p>21 talking about colleagues?</p> <p>22 QYes.</p> <p>23 ANo, not in my school.</p> <p>24 QSo what about other minorities?</p> <p>25 Do you believe there was an issue in</p>	<p>Page 101</p> <p>1 that you were employed.</p> <p>2 ANever met them. I know Maria,</p> <p>3 but she's in Crawford Central --- but</p> <p>4 she's in Cochranton High School. I</p> <p>5 know her. I don't even know who's the</p> <p>6 other lady there. She doesn't work in</p> <p>7 my school. Another Hispanic though,</p> <p>8 that's me. Then another Hispanic,</p> <p>9 Alea, Manuel. I don't know who he or</p> <p>10 she is. Is that a boy or a girl?</p> <p>11 QIt's Manuel, I'm assuming it's a</p> <p>12 boy. It says male gender.</p> <p>13 AOkay. Oh, Hispanic, Cuban, but</p> <p>14 he doesn't teach there. You're talking</p> <p>15 about people who used to work there;</p> <p>16 right? Gloria Conda, I met her. She</p> <p>17 used to work there. She's retired.</p> <p>18 And Roberta Martinez, I don't know any</p> <p>19 of these, Rosa. I don't know if they</p> <p>20 worked there before I ---</p> <p>21 QBut he would have been employed</p> <p>22 when --- Roberta Martinez would have</p> <p>23 been employed when you were employed?</p> <p>24 ANo, but not when I worked there,</p> <p>25 not in my school. Maybe some other</p>

<p>Page 102</p> <p>1 place, but not in my school.</p> <p>2 Q So when you say your school,</p> <p>3 what's your differential?</p> <p>4 A Meadville High School.</p> <p>5 Q As opposed to other high schools</p> <p>6 around the district or other schools?</p> <p>7 A I only know Meadville High</p> <p>8 School. And the people that teaches at</p> <p>9 Meadville High School, and the only</p> <p>10 Hispanic I met, no Hispanic --- it was</p> <p>11 Arab, that was Mrs. Maziarz, nothing</p> <p>12 else and any other black. And if there</p> <p>13 are all these black people, maybe in</p> <p>14 other schools or maybe prior to me</p> <p>15 teaching there, because there is not a</p> <p>16 single person in my school black.</p> <p>17 Well, in my school, high school,</p> <p>18 their school. Armedia Dixon, she</p> <p>19 doesn't teach there. I met her.</p> <p>20 Janine, she's Moroccan. I don't know</p> <p>21 --- the other ones, I don't know any of</p> <p>22 them. All these other black people,</p> <p>23 they don't teach there. They don't</p> <p>24 teach in Meadville High School.</p> <p>25 Q But then they teach in another</p>	<p>Page 104</p> <p>1 her. It was horrible the way that she</p> <p>2 was treated.</p> <p>3 Q What's her name?</p> <p>4 A It's on your witness list.</p> <p>5 Q Do you remember what it is?</p> <p>6 A Debbie something, maybe Alkomac</p> <p>7 (phonetic), something like that. She</p> <p>8 was an art teacher.</p> <p>9 Q You said art teacher?</p> <p>10 A She was the art teacher. They</p> <p>11 gave her a great deal of grief and</p> <p>12 wouldn't let up.</p> <p>13 Q Okay.</p> <p>14 A Oh, you asked that's all I can</p> <p>15 tell you.</p> <p>16 Q And you're saying this is Carol</p> <p>17 Templeton? Is that the name?</p> <p>18 A No, Carol Templeton and Deshner,</p> <p>19 they are the ones who drove her crazy.</p> <p>20 Q Wait, I understand that. When</p> <p>21 you're saying Templeton, that's who you</p> <p>22 mean? Carol Templeton used to be what,</p> <p>23 the principal?</p> <p>24 A Yes, assistant principal.</p> <p>25 Q Assistant principal. You also</p>
<p>Page 103</p> <p>1 school?</p> <p>2 A Many of them are retired, so I</p> <p>3 don't know.</p> <p>4 Q You said you knew Maria McGee?</p> <p>5 A Yes, I know her.</p> <p>6 Q And how do you know her?</p> <p>7 A Because whenever we have</p> <p>8 meetings, the department held meetings,</p> <p>9 she was there. That's how I met her,</p> <p>10 one time only at one of the meetings.</p> <p>11 Q And do you know whether she is</p> <p>12 --- you did not know Vera Campbell?</p> <p>13 A No.</p> <p>14 Q And you don't know ---?</p> <p>15 A Only Maria.</p> <p>16 Q And you don't know whether or</p> <p>17 not they had any disciplinary problems</p> <p>18 within the District?</p> <p>19 A I have no idea. I know of one</p> <p>20 girl that they got rid of her, and they</p> <p>21 harassed her so much, and she's willing</p> <p>22 to testify on my behalf.</p> <p>23 Q And who is that?</p> <p>24 A Mr. Deshner drove her crazy.</p> <p>25 They asked her to resign. They moved</p>	<p>Page 105</p> <p>1 mentioned Berkehle?</p> <p>2 A Yes, he had involuntary tracked</p> <p>3 her until eventually she had to resign.</p> <p>4 Debby Alkomac</p> <p>5 Q Debbie Alkomac is the name of</p> <p>6 the teacher?</p> <p>7 A Is the teacher. Uh-huh (yes).</p> <p>8 But she went through a great deal of</p> <p>9 grief.</p> <p>10 Q And do you know why?</p> <p>11 A Why don't you ask Mr. Deshner?</p> <p>12 Q But you don't know why, do you?</p> <p>13 A Well, she told me.</p> <p>14 Q But all you know is what she</p> <p>15 told you, is that correct?</p> <p>16 A Right, right.</p> <p>17 Q You didn't observe her teaching</p> <p>18 or anything along those lines?</p> <p>19 A I met her very few times. I</p> <p>20 wasn't sure what was going on.</p> <p>21 Q So from your own independent</p> <p>22 personal knowledge of what kind of</p> <p>23 teacher ---?</p> <p>24 A After later that we started</p> <p>25 talking. Then we just exchanged ---</p>

<p>1 she was already gone.</p> <p>2 QBut would it be fair to say that</p> <p>3 you don't have any independent personal</p> <p>4 knowledge of what kind of teacher she</p> <p>5 was?</p> <p>6 AWell, she won her arbitration.</p> <p>7 QBut you don't know? You didn't</p> <p>8 ever see her?</p> <p>9 AAnd by winning the arbitration,</p> <p>10 then I believe what the arbitration</p> <p>11 says. It happened, the same thing that</p> <p>12 happened to me.</p> <p>13 QBut do you have any independent</p> <p>14 knowledge?</p> <p>15 A I only know that she won her</p> <p>16 arbitration.</p> <p>17 QOkay. Going back to your</p> <p>18 complaint, we never --- because your</p> <p>19 Counsel objected and subject to his</p> <p>20 objections being on record concerning</p> <p>21 the PHRC, did you deal with anyone at</p> <p>22 the PHRC other than Mr. Flipping?</p> <p>23 AOnly Mr. Flipping.</p> <p>24 QAnd after you were terminated,</p> <p>25 what did you do? Did you call him?</p>	<p>Page 106</p> <p>1 ones, too, because they have another</p> <p>2 lawsuit, from what I understand. And</p> <p>3 she said here? And I say, yes.</p> <p>4 BY ATTORNEY HEATH:</p> <p>5 QYou're saying that you went</p> <p>6 personally to the PHRC, and this is</p> <p>7 who?</p> <p>8 A I send it by mail.</p> <p>9 QRight. But who are you talking</p> <p>10 about that said that to you, that</p> <p>11 you've made too many enemies?</p> <p>12 A She's a supervisor.</p> <p>13 QMr. Flipping's supervisor at the</p> <p>14 PHRC?</p> <p>15 AWhen I went to turn in my ---</p> <p>16 QAnd you went to what office to</p> <p>17 turn it in?</p> <p>18 A Just right there at HRC, 11th</p> <p>19 floor.</p> <p>20 QBut what city?</p> <p>21 A Pittsburgh.</p> <p>22 QIn Pittsburgh. So you actually</p> <p>23 went to Pittsburgh, to the PHRC office,</p> <p>24 and this supervisor said to you, you've</p> <p>25 already made too many enemies at the</p>
<p>Page 107</p> <p>1 AIt was Mr. Hernandez' idea. I</p> <p>2 called him and I sent him a copy as</p> <p>3 soon as I received a copy, which they</p> <p>4 sent it certified.</p> <p>5 QWhat, your statement of charges</p> <p>6 letter?</p> <p>7 A I were to pick it up, and I sent</p> <p>8 him a copy right away. And then I</p> <p>9 prepared a folder about that thick with</p> <p>10 all the papers, the arbitrations, which</p> <p>11 he has a copy, too, with everything.</p> <p>12 And I went in person, and I handed to</p> <p>13 him in front of his supervisor.</p> <p>14 QAnd who is that? Do you know?</p> <p>15 A This lady. She didn't even want</p> <p>16 to talk to me.</p> <p>17 ATTORNEY NICHOLS:</p> <p>18 Ms. Wilkes?</p> <p>19 A I don't remember what the name</p> <p>20 was.</p> <p>21 ATTORNEY NICHOLS:</p> <p>22 Was her name Wilkes?</p> <p>23 A She said you already made too</p> <p>24 many enemies in that school district.</p> <p>25 I said, well, then there are many other</p>	<p>Page 109</p> <p>1 school district?</p> <p>2 A Yeah, because I wanted to talk</p> <p>3 to her, because I wanted to see why</p> <p>4 they were not doing anything to help</p> <p>5 me. So she said that this is not time</p> <p>6 for civil cases, so I brought a letter</p> <p>7 to his --- whatever higher you have to</p> <p>8 go to compliance. And I said, when I</p> <p>9 sent a complaint in 1994, they did</p> <p>10 nothing. When I went to '95, '96,</p> <p>11 their investigator read it very nicely,</p> <p>12 their lawyer. They did nothing.</p> <p>13 And now that I've submitted</p> <p>14 these information in 2002 for my very</p> <p>15 first suspension, they haven't done</p> <p>16 anything after all these years. And</p> <p>17 she said that this is no time for civil</p> <p>18 cases. And I asked her supervisor, and</p> <p>19 after 11 years, when will be the right</p> <p>20 time for me to do something, to deal</p> <p>21 with a civil case, because in 11 years,</p> <p>22 it's obvious they couldn't do anything.</p> <p>23 And I suffer 11 years of</p> <p>24 harassment and --- at first they were</p> <p>25 practice in all this abuse, and they</p>



<p>Page 110</p> <p>1 I still said that I couldn't do anything.  2 This is no time for civil cases. And I  3 asked her, when do you think it will be  4 time? I already spent many years of my  5 life complaining and telling you, look,  6 I look what they're doing. Look. Now  7 they suspended me. Now they fired me.  8 Look. And I sent every single copy.  9 They have a file like that.  10 Q And they never found probable  11 cause, did they, the PHRC?  12 A They are still investigating.  13 Q Relative to the termination, did  14 you ever see a complaint that was  15 amended to include that termination?  16 A He should have done that,  17 because I took that.  18 Q Did you ever see a complaint?  19 A I don't know if he turned it in  20 or not. That's his job.  21 Q Didn't you typically get  22 copies ---  23 A I did my job.  24 Q --- of the other complaints?  25 Didn't you have to sign a verification?</p> <p>Page 111</p> <p>1 A He's supposed to send me all  2 these copies, and I got some, and I  3 didn't get any other ones, so I don't  4 know. You'll have to ask him. He was  5 working under her direction, and he's  6 supervisor, and he told me. He said  7 Claudette, one thing I'm going to tell  8 you. Here they don't want us to find  9 discrimination.  10 Q Do you know if Mr. Flipping  11 still works at the PHRC?  12 A I don't know, but I do know he  13 was there. And just cushy job, just to  14 say that they do help, but they don't  15 help anybody, just bureaucracy.  16 They're lazy.  17 Q With regard to this though, you  18 said you did receive copies of some  19 things, but then you didn't receive  20 anything else?  21 A He said he sent them to  22 Harrisburg. That's what he said. I'm  23 not responsible.  24 Q I'm just asking if you got a  25 copy.</p>	<p>Page 110</p> <p>1 A I sent in my complaint. I sent  2 all my paperwork. That was their job,  3 okay?  4 Q But you didn't get a copy of any  5 amended complaint to include the  6 termination?  7 A I have few things, so you have  8 to ask him to please send a copy if he  9 submitted that, because he should have.  10 Q You didn't get a copy?  11 A Unfortunately, whatever  12 documents, you know, I should review  13 that to tell you the truth. Maybe he  14 did. I'm going to review.  15 Q Well, I'd like you to do that  16 because we've already gone before Judge  17 McLaughlin and indicated that you  18 didn't have a copy.  19 ATTORNEY NICHOLS:  20 Yes, and we email this  21 ground as far as the Judge, even  22 the Judge ---  23 ATTORNEY HEATH:  24 Yes, I'm just trying to  25 find out.</p> <p>Page 112</p> <p>1 ATTORNEY NICHOLS:  2 Well, you asked her ten  3 times, Counsel.  4 ATTORNEY HEATH:  5 Yes, and there was no  6 record in front of Judge  7 McLaughlin, and I have every  8 right to ask her today.  9 ATTORNEY NICHOLS:  10 Yes, but you remember  11 expressly the Judge said, and  12 when you kept probing the same  13 ground, what did she submit to  14 PHRC, what did Mr. Flipping do.  15 And we went over --- the Judge  16 reminded you ---  17 ATTORNEY NICHOLS:  18 Now, she's telling me  19 today she might have a copy.  20 ATTORNEY NICHOLS:  21 He admonished you. He  22 told you, Counsel, ---  23 ATTORNEY HEATH:  24 He did not.  25 ATTORNEY NICHOLS:</p>
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1 ... I'm not going to till  
 2 this ground again.  
 3 A But why do you need my copy?  
 4 Let me ask you something. I'm sorry to  
 5 interrupt. Why don't you contact Mr.  
 6 Flipping and bring him ---?  
 7 BY ATTORNEY HEATH:  
 8 Q I'm going to depose Mr.  
 9 Flipping. This is not your opportunity  
 10 to ask me questions.  
 11 A Okay. I'm sorry.  
 12 Q This is my opportunity to ask  
 13 you questions.  
 14 A I thought I'd make a suggestion.  
 15 ATTORNEY NICHOLS:  
 16 She's trying to be  
 17 helpful, please.  
 18 ATTORNEY HEATH:  
 19 Counsel, please, enough  
 20 already. Okay? I have enough  
 21 to go in front of Judge  
 22 McLaughlin already with your  
 23 behavior today.  
 24 ATTORNEY NICHOLS:  
 25 Well, please go ahead.

1 ATTORNEY NICHOLS:  
 2 All right. Okay.  
 3 BY ATTORNEY HEATH:  
 4 Q All right. Going back to your  
 5 Complaint, which you should have in  
 6 front of you.  
 7 A Uh-huh (yes).  
 8 Q You indicate here when we were  
 9 talking about your mental health  
 10 condition, that you had your --- you  
 11 were hospitalized in 1998. But then in  
 12 paragraph ten, it says there are two  
 13 previous psychiatric hospitalizations  
 14 at Saint Vincent's. Since I don't have  
 15 their records, I don't have any  
 16 information on that. When were you  
 17 hospitalized at Saint Vincent's?  
 18 A That was '98.  
 19 Q Both times?  
 20 A Both times.  
 21 Q Do you recall the dates?  
 22 A Yes. The first one --- not  
 23 exactly the date but the month. The  
 24 first one was in March. The second one  
 25 was in July. The third time, I was in

1 Please go ahead.  
 2 ATTORNEY HEATH:  
 3 It's ridiculous. I'm  
 4 trying to find out, and as I  
 5 have every right to do ---  
 6 ATTORNEY NICHOLS:  
 7 Yeah, but I'm not going  
 8 to allow you to continue to  
 9 badger her, asking her the same  
 10 question. I'm not going to  
 11 allow you.  
 12 ATTORNEY HEATH:  
 13 If you would let me  
 14 finish, I'm going to move on.  
 15 ATTORNEY NICHOLS:  
 16 All right then. Let's  
 17 move on. All right.  
 18 ATTORNEY HEATH:  
 19 I have every right on the  
 20 record to see what she said  
 21 occurred under oath. Now she's  
 22 telling me she might have a  
 23 copy, and I'm asking her to look  
 24 for it. I'm going to move on  
 25 now.

1 a suicidal crisis center for the third  
 2 time.  
 3 Q And here it indicates that you  
 4 had two previous hospitalizations prior  
 5 to 2001. When was the third time?  
 6 A In August.  
 7 Q Of 1998 also?  
 8 A But it was not a hospital. It  
 9 was a center, suicidal crisis center.  
 10 Q What center was that?  
 11 A That's what it says. Suicidal,  
 12 probably.  
 13 Q Pardon me?  
 14 A I just remember the letters says  
 15 Crisis Suicidal Center.  
 16 Q And that was ---?  
 17 A After the two hospitalizations.  
 18 Q In the same year?  
 19 A In July, I went to Saint  
 20 Vincent's. In August, I was at that  
 21 center for one week.  
 22 Q Okay. How long were your  
 23 hospitalizations?  
 24 A The first time it was 11 days.  
 25 The second time it was a week. The

<p>Page 118</p> <p>1 third time at this crisis center, it 2 was a week.</p> <p>3 Q Now, here in paragraph ten of 4 your Complaint, it says in 2001, her 5 physician stated that she had classic 6 panic attacks, getting anxious, 7 experiences shortness of breath?</p> <p>8 A Yes, Doctor Mercatories.</p> <p>9 Q And what were you taking for 10 that? That was Doctor Mercatories?</p> <p>11 A Yes. I was already under Doctor 12 Mercatories.</p> <p>13 Q And were you taking any 14 medication for the panic attacks other 15 than what you were taking for 16 depression, such as Buspar, any anxiety 17 medications?</p> <p>18 A No, no. The only thing that he 19 like --- what I take now, lorazepam 20 only when I need it, only when I need 21 it. And then it makes me feel better.</p> <p>22 And it doesn't cause any kind of 23 inflammation, it just calms me down, 24 lorazepam.</p> <p>25 Q Now, we had talked about the</p>	<p>Page 120</p> <p>1 they did, on the 11th. They did. And 2 something else that I don't hold them 3 responsible for that, that what 4 happened in March.</p> <p>5 My son had been deployed, and 6 they didn't want to tell us where 7 because he was a Ranger in the Army, 8 and the only thing that we received was 9 a letter that he had been deployed.</p> <p>10 And we didn't know where. Now, that's 11 around the time that the war had 12 started in Iraq. And I knew, a mother 13 feeling, that he had been sent to Iraq. 14 And it was extremely ---</p> <p>15 Q When was that?</p> <p>16 A When the war started in Iraq, in 17 March, he was deployed in March. So I 18 was not having the attacks, the panic 19 attacks, for my son being there. I was 20 very upset in a way that I was thinking 21 that maybe something will happen. I 22 was certainly against it because he 23 grew up as one of Jehovah's Witnesses, 24 but then when his daddy was gone he 25 became, quote, atheist, and when he</p>
<p>Page 119</p> <p>1 fact that you, according to Doctor 2 McFadden, you could return to work in 3 2002, but this next sentence then says 4 during 2003 and 2004, her condition was 5 diagnosed as severe recurrent 6 depression and panic disorder. So what 7 were you doing in order to treat that 8 condition?</p> <p>9 A I was still going to Doctor 10 Mercatories more often, and I was 11 telling him what was happening at the 12 school. And then it was even worse 13 because I knew they were going to --- I 14 knew what they were going to do, and he 15 told me, Claudette, if they're going to 16 fire you, they're going to fire you.</p> <p>17 It doesn't matter what you do. He 18 says, they will.</p> <p>19 So I went into severe 20 depression, especially around April, 21 just right before they fired me, and I 22 start panicking because I told him they 23 are going to fire me. They're going to 24 fire me. Look what they're doing. I 25 was having those panic attacks. And</p>	<p>Page 121</p> <p>1 joined the Army, he knew that I did not 2 support war. I was totally against it.</p> <p>3 ATTORNEY NICHOLS:</p> <p>4 Do you want to take a 5 break?</p> <p>6 A No. After that then --- no, no. 7 I cannot take a break. That's fine.</p> <p>8 Then later on we had heard that he had 9 been assigned to Operation Freedom. He 10 was looking for Asama Bin Laden, and he 11 spent about six months in Iraq. But 12 after three months, then he got killed.</p> <p>13 BY ATTORNEY HEATH:</p> <p>14 Q And he was not killed in Iraq?</p> <p>15 A No. But he came back.</p> <p>16 Q Was it in an automobile 17 accident?</p> <p>18 A Motorcycle accident, yes.</p> <p>19 Q And that was when?</p> <p>20 A 2003. As soon as he came back 21 from Iraq. He was in port about six 22 months or so, which I have told Mrs. 23 Willison that that's what I couldn't 24 understand how much they were harassing 25 me and abusing me when my son was out</p>

<p>Page 122</p> <p>1 there on their operation and duties for 2 freedom for their freedom to take my 3 job away, strip me of my dignity. 4 ATTORNEY NICHOLS: 5 Counsel, I want to take a 6 break. 7 ATTORNEY HEATH: 8 Go ahead. 9 And my son fought for their 10 freedom to harass, discriminate against 11 me, take my job away. 12 BY ATTORNEY HEATH: 13 QYou shouldn't probably say 14 anything with your Counsel out of the 15 room. 16 AOkay. 17 SHORT BREAK TAKEN 18 ATTORNEY HEATH: 19 I'm just asking Mr. 20 Dolecki to call these witnesses 21 for this afternoon because we're 22 moving a lot more slowly than I 23 had anticipated. So he's going 24 to bump them an hour to an hour 25 and a half.</p>	<p>Page 124</p> <p>1 staff. What are you referring to? 2 ATTORNEY NICHOLS: 3 She wouldn't necessarily 4 know about that. That's about 5 that Armelia Dixon case, Amanda 6 Dixon case, who sued the School 7 District for discrimination. 8 She applied for --- I think it 9 was assistant or principalship 10 in the School District. 11 ATTORNEY HEATH: 12 What was her race? 13 ATTORNEY NICHOLS: 14 Mrs. deLeon, --- she's 15 black, a black female. 16 ATTORNEY HEATH: 17 Were you representing 18 her? 19 ATTORNEY NICHOLS: 20 I didn't represent her, 21 no. I didn't represent her. 22 BY ATTORNEY HEATH: 23 QDo you have any knowledge of 24 that suit? 25 ATTORNEY NICHOLS:</p>
<p>Page 123</p> <p>1 ATTORNEY NICHOLS: 2 Okay. 3 ATTORNEY HEATH: 4 Is that okay? 5 ATTORNEY NICHOLS: 6 Yes. 7 ATTORNEY HEATH: 8 And I figure we'll try to 9 get done as much as we can 10 possibly get done today. 11 ATTORNEY NICHOLS: 12 Okay. 13 ATTORNEY HEATH: 14 All right? 15 ATTORNEY NICHOLS: 16 All right. 17 BY ATTORNEY HEATH: 18 QLooking at paragraph 16 of the 19 Amended Complaint, --- 20 AOkay. 21 Q--- you mention in October 9th, 22 '93, the Defendant School District was 23 successfully sued for sexual and racial 24 discrimination involving the employment 25 of its administrative and managerial</p>	<p>Page 125</p> <p>1 She wouldn't necessarily 2 know. 3 AI know her, though. 4 ATTORNEY NICHOLS: 5 You know her. 6 AShe's an acquaintance of me. 7 BY ATTORNEY HEATH: 8 QOkay. And do you have anything 9 else that you know about this? I mean, 10 it's part of your Complaint, so ---. 11 AI only knew that, that she had 12 been unfairly discriminated. I knew 13 that from talking to her. I went to 14 one of her innovations on probation. 15 QWhat was that? 16 AWhich there were --- she was 17 being praised for all her 18 accomplishments. 19 QAnd what is she doing now, do 20 you know? 21 AI think she's retired. 22 ATTORNEY NICHOLS: 23 No, no, she teaches. 24 AOh, Edinboro University. 25 ATTORNEY NICHOLS:</p>

Page 126	Page 128
<p>1 Edinboro, she's at 2 Edinboro. 3 AOkay. I thought that she 4 retired from the School District? 5 ATTORNEY NICHOLS: 6 Oh, yeah, but since then 7 she's teaching now on staff at 8 Edinboro. 9 A I knew she went to Edinboro. 10 BY ATTORNEY HEATH: 11 QOkay. 12 ATTORNEY NICHOLS: 13 There's a record of her 14 case in the District Court in 15 Erie, Judge Mentzer (phonetic) 16 presiding. 17 BY ATTORNEY HEATH: 18 QOkay. At the end of the next 19 page, paragraph 17, you were referring 20 to data concerning the number of 21 students in the Crawford Central School 22 District, and you say at least 300 of 23 whom are minorities, but there are few 24 if any teachers, counselors or 25 administrators of color. Where did you</p>	<p>1 demographics from the State 2 Education Department. 3 BY ATTORNEY HEATH: 4 Q Just for curiosity, when you're 5 talking about these students, at least 6 300 of whom are minorities, did you 7 incorporate those students who had any 8 percentage of, say, African-American or 9 American Indian or Native American? 10 ATTORNEY NICHOLS: 11 No, no, it was not broken 12 down in the article. The 13 gentleman who wrote the article, 14 he didn't break it down. He 15 just simply --- and I took it 16 directly from that newspaper 17 article. 18 ATTORNEY HEATH: 19 Okay. 20 ATTORNEY NICHOLS: 21 Yeah. 22 BY ATTORNEY HEATH: 23 Q Looking at paragraph 18, it 24 indicates from 1995 to 1999, a member 25 of the Defendant Board brought to the</p>
Page 127	Page 129
<p>1 get this information from? 2 ATTORNEY NICHOLS: 3 One, we got it from a 4 newspaper article. That was a 5 newspaper article. 6 ATTORNEY HEATH: 7 In what paper? 8 ATTORNEY NICHOLS: 9 A local paper here 10 written by a gentleman. 11 ATTORNEY HEATH: 12 Called, the paper? 13 ATTORNEY NICHOLS: 14 Oh, it's the local. I 15 forgot. I don't know the name 16 of the local paper. I know it 17 was the local paper I read. 18 A In The Meadville Tribune? 19 ATTORNEY NICHOLS: 20 Yeah, The Meadville 21 Tribune. Okay. That's where I 22 got that. Others I got from --- 23 these numbers would be from the 24 demographics, the State 25 Education Department</p>	<p>1 attention of members of the Board on at 2 least three occasions the persistent 3 discrimination problems and failure in 4 refusing to hire minority teaching 5 staff. Do you know who the Defendant 6 Board member is? 7 ATTORNEY NICHOLS: 8 Yeah, Sam Byrd, who 9 previously served from 1996 to 10 2000 as a member of the School 11 Board. 12 ATTORNEY HEATH: 13 B-Y-R-D or B-I-R-D? 14 ATTORNEY NICHOLS: 15 B-Y-R-D. 16 ATTORNEY HEATH: 17 And was he a minority? 18 ATTORNEY NICHOLS: 19 Yeah, he's black. 20 ATTORNEY HEATH: 21 Now, this information, 22 did you obtain it from the 23 minutes of the Board or is this 24 just something that you 25 discussed with Mr. Byrd?</p>



<p>Page 130</p> <p>1 ATTORNEY NICHOLS:  2 We deposed him. We  3 deposed him.  4 ATTORNEY HEATH:  5 Is that in the Wagner  6 case?  7 ATTORNEY NICHOLS:  8 Yeah, the Wagner case.  9 BY ATTORNEY HEATH:  10 Q Now, I know your Counsel is  11 going to object to this question, but  12 I'm going to ask you anyway. Looking  13 at paragraph 21, and I believe in  14 looking at some of the other  15 documentation, you were indicating that  16 you believed you were stripped of your  17 seniority by becoming a traveling  18 teacher, is that right? Meaning you  19 may move from one class to another  20 class. Are you aware of any other  21 teachers that had to perform similar  22 duties to this?  23 A I'm sure that there are. But  24 what I'm talking about is I already had  25 a classroom in '94.</p>	<p>Page 132</p> <p>1 back in a very delicate mental state,  2 but I still function. I'm not crazy.  3 I just suffer recurrent depression for  4 all this stripping of my dignity, my  5 self-esteem, all the negative  6 criticism. Instead of giving me a pat  7 on the back when they see my class is  8 very well behaved and how much Spanish  9 they know using all the classroom  10 expressions, they wait for just one  11 discipline problem, turned this thing  12 against me.  13 The parents, they're going to  14 testify against me because I gave one  15 detention. My daughter say it is crap.  16 My daughter and I say this is crap  17 homework. You're lying. My daughter  18 never did, and she's testifying against  19 me in my lawsuit.  20 Needless to say after all this,  21 eventually it's going to be detrimental  22 for everybody. And they continue  23 saying she's incompetent. She's not a  24 good teacher. I know who I am. I'm a  25 very good teacher. I like discipline.</p>
<p>Page 131</p> <p>1 Q Is that the modular classroom?  2 A I already had an assigned  3 classroom where it was in the modular  4 or whether that was in the new school,  5 I already had a classroom. They had  6 assigned me a classroom, correct. And  7 I always had Spanish IV, Spanish V.  8 The other teacher taught French. She  9 was not very fluent, and she had a  10 great deal of difficulty many times  11 with some of the pronunciation and the  12 grammar issues. She felt that I would  13 be better off teaching the Spanish IV  14 and V.  15 Now, this is what I read, that  16 when you take a medical sabbatical ---  17 I'm sure that you're familiar with ADA.  18 This is what I read, that after you  19 have taken a leave and you go back to  20 your work, they have to give you the  21 same conditions, same type of setting  22 that you had prior to your leaving.  23 And especially because I have seniority  24 over the new Caucasian teacher.  25 So what did they do? I came</p>	<p>Page 133</p> <p>1 I strongly believe in discipline. That  2 was the problem. They wanted me to be  3 consistent though.  4 Q You're not teaching now, is that  5 right?  6 A In a way, I am. In a way.  7 Q What is your current job?  8 A Because what I'm doing right  9 now, testimony ---  10 Q What is your current job now?  11 A I'm manager/trainee for the  12 bilingual representative at the  13 telemarketing place. And being a  14 manager/trainee, I'm responsible for  15 the evaluations, for the coaching,  16 monitor. And I have to make sure that  17 when they take every call, I monitor  18 the call. And any problem, I take  19 supervisor call.  20 And there is a format, there is  21 a script that they have to follow, and  22 they have to deal with the clients,  23 because we deal with so many banks and  24 take applications for so many banks.  25 And it's marketing. Everything has to</p>



<p>Page 134</p> <p>1 be according to the format and the 2 proper introduction, the greeting, the 3 quality ending. And then I have to 4 evaluate it on a weekly basis to make 5 sure they are complying with their 6 performance, their conversions. 7 They need to produce, they need 8 to bring business, because that's how 9 our job stems from their business, 10 their sales. And the service to the 11 customers, you want to keep the best 12 service to the customer. So I have 13 to --- 14 Q What is the name of the company? 15 A Marketing, Telatron Marketing. 16 Q I'm sorry? 17 A Telatron Marketing. 18 Q Where is that located? 19 A It's in 1548 East 38th Street. 20 Q Where? 21 A In Erie, Erie, PA. 22 Q And what do they pay? 23 A \$9.50 an hour. 24 Q Are you full time? 25 A I'm full time.</p>	<p>Page 136</p> <p>1 A That I started. 2 Q Is that the first job that you 3 held between April 2003, up until that 4 time, the first job you held, or were 5 you employed anywhere else? 6 A Well, I was employed, but not 7 employed really. I did it only just to 8 try to make a living out of the money 9 since I was not making any other money. 10 Latinos Restaurant is a very upppy, 11 upppy kind of class of restaurant. 12 It's upper Eighth Street. It's in the 13 bad part of town, but it's very pretty, 14 very nice, and very excellent food. 15 So the owner of the restaurant 16 allowed me to go ahead and play for two 17 hours every week the piano, and I play 18 only some Mexican songs. And then I 19 did that every Wednesday. And then on 20 Friday night, they were getting 21 together with a swing group in 22 Meadville, they are the swing. They 23 learn how to dance swing. And they 24 start coming up to Latinos because it's 25 a pretty big place for dancing.</p>
<p>Page 135</p> <p>1 Q Do you have benefits? 2 A Forty (40) hours, no. No 3 benefits, no insurance unless I pay for 4 my own. 5 Q And how long ---? 6 A No pension. 7 Q How long have you been working 8 there? 9 A Well, I've been almost six 10 months because when we went to Court in 11 around August, I had just been 12 interviewed a week. And it wasn't 13 until a week after that I started, got 14 the training. And we are constantly 15 being trained because we're always 16 getting many new programs for U.S. Bank 17 and like the New York Bank of America, 18 State Farm. We are consistently being 19 trained and taking tests constantly to 20 keep updated to all the different 21 programs that we deal with. 22 Q So was it in approximately 23 September? 24 A Around September. 25 Q Of 2005?</p>	<p>Page 137</p> <p>1 Then he asked me if I could go 2 ahead and maybe teach them some salsa 3 steps or some maringa steps, some of 4 the Hispanic dancing that we do. And I 5 said, well, if they want to just as a 6 beginner because I don't know too much 7 about ballroom dancing. But I can 8 share with them, and he will give me 9 just \$1, maybe \$10 an hour. But that 10 was only two hours every Friday that we 11 danced with the swing group. 12 And then I taught them some of 13 the many Spanish dances. It was very 14 little. That's all I did. So it was 15 not really formal job, it was just like 16 a part-time, just to make a little bit 17 of extra money. 18 Q And then that was cash, I 19 assume? 20 A Right. It was only for about 21 four hours a week. 22 Q And do you still do that now? 23 A No, I can't, because here 24 sometimes they need me in the morning. 25 Sometimes they need me in the evenings,</p>

<p>Page 138</p> <p>1 like last night I worked from 3:00 to  2 11:00 because I'm making up my hours  3 for today. Soliciting marketing and  4 when we are called in, I can switch my  5 schedule sometimes.  6 But my schedule should be I'm  7 supervisor in the morning, morning  8 supervisor from 9:00 to five o'clock.  9 Then in the afternoon they have another  10 supervisor. We are the only two, and  11 there are about 14 bilingual people.  12 Q And then once you complete the  13 managerial program, will you get more  14 money?  15 A No. Well, I asked the  16 supervisor that if I become a  17 supervisor, and I think they make maybe  18 \$12 an hour. I'm not sure. But I'm  19 making only \$9.50 right now.  20 Q And going back to paragraph 21,  21 you had mentioned about teachers having  22 less seniority that were not  23 minorities, did not have to be a  24 traveling teacher. And you're talking  25 about your seniority, and I'm assuming</p> <p>Page 139</p> <p>1 that you're talking about it in the  2 context of you being a member of the  3 union?  4 A No, in the context that I've  5 been teacher for Crawford Central way,  6 way before this new teacher arrived and  7 gave her my classroom. They did not  8 comply with the ADA in which they  9 should have put me back with my  10 classroom and my students, my Spanish  11 IV and V, because if the other teacher  12 is so great in discipline, if she's  13 doing a wonderful job, she could have  14 taught the Spanish I or the special  15 education kids that they're rebellious.  16 And you know that there are going to be  17 discipline problems.  18 Q But you teach IV and V?  19 A IV is Spanish I. The students  20 that they would have to send into  21 alternative education. And then when  22 one of them beat me up, Mr. Deshner  23 said, oh, she didn't really hurt you.  24 And then they put her back in the  25 classroom, and then the guidance</p>	<p>Page 140</p> <p>1 counselor said she wasn't sleeping in  2 your class.  3 And I woke her up and I say,  4 please sit up straight. So when the  5 students want to complain to him that  6 I cause them to sit up nice and  7 straight, he said I never told her  8 that. You don't have to sit up nice  9 and straight.  10 Q What student are you talking  11 about?  12 A Stephanie Morack (phonetic).  13 And then eventually when they suspended  14 me on my two months for being  15 depressed, the other teacher that was  16 substituting for me couldn't handle  17 her. They sent her to alternative  18 education. But after she attacked me,  19 beat me up, hit me, instead of  20 following my directives, I told her  21 turn around and go to the office. Turn  22 around and go to the office.  23 She did not listen to me. This  24 other girl pushed me so hard against  25 her, and her, instead of turning around</p> <p>Page 141</p> <p>1 and going to the office, she did not  2 follow directives, pushed me back  3 against the other one, and they cut me  4 like a sandwich. And when they were  5 pulling each other's hair --- listen to  6 me, when they were pulling my hair and  7 hitting me.  8 Q What did you say was the other  9 girl's name?  10 A Sarah Yount (phonetic).  11 Q I'm sorry. What was the girl's  12 name?  13 A Sarah Yount. And she was  14 suspended for fighting, not because she  15 attacked me, not because she decided  16 not to follow my directives and disobey  17 me. No, because she was fighting. And  18 then they put her back in my classroom.  19 And then Mr. Helter says Stephanie  20 Morack was in your classroom. By the  21 way, look what she was doing.  22 Q Okay. I'm going back to this  23 traveling teacher issue. And you have  24 never filed a grievance; is that  25 correct?</p>
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<p>1 A I complained with the HRC.</p> <p>2 Q But you did nothing internally;</p> <p>3 is that right?</p> <p>4 A And I told them. I told them.</p> <p>5 And I told Mr. Jones what they were</p> <p>6 doing.</p> <p>7 Q But you had never filed a</p> <p>8 grievance?</p> <p>9 A And he said there's nothing we</p> <p>10 can do. When they write it up to Mr.</p> <p>11 Deshner, he said, well, the computer</p> <p>12 decides and because you left. You</p> <p>13 left. That's why you lost your</p> <p>14 classroom.</p> <p>15 Q So no grievance was ever filed</p> <p>16 relative to the collective bargaining</p> <p>17 agreement, correct?</p> <p>18 A No, and I told them, but they</p> <p>19 are going to do whatever they're going</p> <p>20 to do.</p> <p>21 OFF RECORD DISCUSSION</p> <p>22 BY ATTORNEY HEATH:</p> <p>23 Q Looking at 21(c), is this what</p> <p>24 you're referring to, that Mr. Sanford's</p> <p>25 (phonetic) going to be testifying</p>	<p>1 some confusion.</p> <p>2 ATTORNEY NICHOLS:</p> <p>3 There's a typo there.</p> <p>4 Obtain should be retain.</p> <p>5 ATTORNEY HEATH:</p> <p>6 So obtain should be</p> <p>7 retain?</p> <p>8 ATTORNEY NICHOLS:</p> <p>9 Yeah.</p> <p>10 ATTORNEY HEATH:</p> <p>11 Okay. I am finished with</p> <p>12 this exhibit. Do you want to</p> <p>13 take a break now? Is that what</p> <p>14 you want to do?</p> <p>15 ATTORNEY NICHOLS:</p> <p>16 Yeah, I think we better.</p> <p>17 LUNCH BREAK TAKEN</p> <p>18</p> <p>19 *****</p> <p>20 WHEREUPON THE</p> <p>21 DEPOSITION WAS CONTINUED AT 12:07 P.M.</p> <p>22 *****</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 143</p> <p>1 about, this particular situation; is</p> <p>2 that correct?</p> <p>3 A Uh-huh (yes).</p> <p>4 Q And this was when Mr. Deshner</p> <p>5 came up to you in the hallway; is that</p> <p>6 right? Okay.</p> <p>7 A Yes.</p> <p>8 Q In looking at 22(d), when you're</p> <p>9 saying that you are reduced to a</p> <p>10 position inferior, to the teaching</p> <p>11 position that you had held prior to</p> <p>12 taking a medical sabbatical, is that</p> <p>13 because you didn't have your own</p> <p>14 classroom and you were teaching lower</p> <p>15 level Spanish classes? Is that what</p> <p>16 you mean by that?</p> <p>17 A Uh-huh (yes).</p> <p>18 Q Is that a yes?</p> <p>19 A Yes.</p> <p>20 Q I'm sorry. Can you keep your</p> <p>21 voice up?</p> <p>22 A Yes.</p> <p>23 Q Looking at paragraph 42, I'm</p> <p>24 going to ask you to look at that</p> <p>25 paragraph. I think that there may be</p>	

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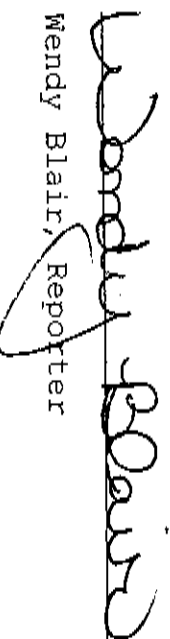
C E R T I F I C A T E

I, Wendy Blair, a Commissioner of Deeds in  
and for the Commonwealth of Pennsylvania, do  
hereby certify:

That the witness whose testimony appears in  
the foregoing deposition, was duly sworn by me on  
said date and that the transcribed deposition of  
said witness is a true record of the testimony  
given by said witness;

That the proceeding is herein recorded fully  
and accurately;

That I am neither attorney nor counsel for,  
nor related to any of the parties to the action in  
which these depositions were taken, and further  
that I am not a relative of any attorney or  
counsel employed by the parties hereto, or  
financially interested in this action.

  
Wendy Blair, Reporter

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Commissioner of Deeds  
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